Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Thirty-second Legislative Assembly
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 1st, 1951 and Ending
March 1st, 1951.

PUBLISHED BY AUTHORITY

STATE PUBLISHING CO., HELENA, MONT.
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CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State
} ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed by the thirty-second legislative assembly of the State of Montana, commencing January 1, 1951 and concluding March 1, 1951, and in addition a true and correct copy of Constitutional Amendments and Initiative Measure No. 54 adopted by the people of Montana at the general election held November 7, 1950.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this first day of June, A. D. 1951.

THE GREAT SEAL
of the
State of Montana

Sam W. Mitchell

Secretary of State.

OFFICERS AND MEMBERS

OF THE

Thirty-second Legislative Assembly of the State of Montana

1951

JOHN W. BONNER, GOVERNOR
Paul Cannon, Lieutenant Governor and President of the Senate
Ory J. Armstrong, Speaker of the House
Thomas M. Ross, President Pro Tem of the Senate

Members of Senate

NAME	Residence	County	Politics
Anderson, Dr. Evon L.	Fort Benton	Chouteau	Republican
*Anderson, Le Roy H.	Conrad	Pondera	Democrat
*Angstman, Jess L.	Havre	Hill	Democrat
*Aronson, J. Hugo	Cut Bank	Glacier	Republican
*Balgord, O. P.	Lavina	Golden Valley	Republican
Bovey, Charles A.	Great Falls	Cascade	Democrat
Bristow, W. F.	Townsend	Broadwater	Democrat
*Brown, Chas. W.	Terry	Prairie	Independent
Busch, L. W.	Baker	Fallon	Republican
Cole, Kenneth	Winnett	Petroleum	Republican
Cotton, Robert S.	Glasgow	Valley	Democrat
*Cremer, Leo J.	Shawmut	Sweet Grass	Independent
Dahl, Andrew	Dagmar	Sheridan	Democrat
Duncan, Philip C.	Whitehall	Jefferson	Democrat
*Ebert, Oliver	Wh. Sul. Springs	Meagher	Republican
Ettien, Chan	Philipsburg	Granite	Democrat
Evans, Troy	Butte	Silver Bow	Republican
*Gosman, George M.	Dillon	Beaverhead	Republican
Gardner, C. E.	Boyes	Carter	Republican
Harken, R. C.	Forsyth	Rosebud	Democrat
Hibbs, Rex	Billings	Yellowstone	Republican
*Hofland, J. M.	Circle	McCone	Democrat
*James, David F.	Joplin	Liberty	Democrat
†Johnson, Theodore J.	Lindsay	Dawson	Democrat
Keller, Webster	Fishtail	Stillwater	Democrat
*Kelly, Ray	Polson	Lake	Democrat
Larson, Glenn H.	Thompson Falls	Sanders	Republican
*Lehrkind, Carl, Jr.	Bozeman	Gallatin	Democrat
*Liggett, J. A.	Roundup	Musselshell	Republican
‡Lindquist, Carl	Scobey	Daniels	Republican
Lott, M. J.	Twin Bridges	Madison	Republican
*Mahoney, Charles H.	Jordan	Garfield	Republican
*Manning, D. M.	Hysham	Treasure	Democrat
McKenna, George S.	Geyser	Judith Basin	Democrat
McQuitty, E. F.	Harlowton	Wheatland	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Nesvig, Oscar	Wibaux	Wibaux	Democrat
Nutter, Donald	Sidney	Richland	Republican
*Padbury, Fred H.	Helena	Lewis & Clark	Republican
*Parriott, Edwin F.	Livingston	Park	Democrat
*Phillips, Mrs. B. M.	Landusky	Phillips	Democrat
Rice, Paul	Bynum	Teton	Democrat
Roehl, E. R.	Lewistown	Fergus	Republican
*Ross, Thos. A.	Chinook	Blaine	Republican
*Sawtell, Henry J.	Miles City	Custer	Republican
*Spear, W. B., Jr.	Kirby	Big Horn	Republican
Tibbals, H. A.	Saltese	Mineral	Democrat
*Toman, J. Fred	Bowers	Powder River	Republican
*Valiton, Don F.	Deer Lodge	Powell	Republican
*Wallander, S. B.	Froid	Roosevelt	Republican
*Wenger, Edward A.	Anaconda	Deer Lodge	Democrat
Weydemeyer, Winton	Fortine	Lincoln	Republican
Wilson, Geo. W.	Shelby	Toole	Democrat
*Wilson, H. H. K.	Red Lodge	Carbon	Democrat
Winters, W. J.	Stevensville	Ravalli	Republican
Worden, Donovan	Missoula	Missoula	Republican

* — Holdover.
† — Succeeding J. D. Walsh, resigned.
‡ — Succeeding Sherd Wilcoxon, deceased.

LOU E. BRETZKE, Secretary of the Senate.

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House of Representatives

NAME	Residence	County	Politics
Ammerman, Earl C.	Livingston	Park	Democrat
Anders, L. J.	Townsend	Broadwater	Republican
Andersen, Volney	Sidney	Richland	Democrat
Anderson, George D.	Great Falls	Cascade	Democrat
Armstrong, Ory J.	Kalispell	Flathead	Republican
Aronow, Cedor B.	Shelby	Toole	Democrat
Atkinson, A. L. (Roy)	Ronan	Lake	Republican
Babich, Sam	Butte	Silver Bow	Democrat
Barnard, Lloyd	Saco	Valley	Democrat
Barrett, Fred E.	Chester	Liberty	Democrat
Beck, Martin J.	Vida	McCone	Democrat
Blewett, Alex	Butte	Silver Bow	Republican
Blikken, Resner	Opheim	Valley	Democrat
Bradley, D. C.	Terry	Prairie	Republican
Brenner, J. S.	Grant	Beaverhead	Republican
Brownfield, Ben	Hammond	Carter	Republican
Clark, Earl E.	Roundup	Musselshell	Democrat
Cook, Ralph F.	Belt	Cascade	Democrat
Corcoran, Dan H.	Ryegate	Golden Valley	Republican
Cowley, W. S.	Forsyth	Rosebud	Republican
Crist, C. L.	Billings	Yellowstone	Republican
Dokken, Herman H.	Bozeman	Gallatin	Republican
Dwyer, Robert G.	Butte	Silver Bow	Democrat
Emmons, John	Anaconda	Deer Lodge	Democrat
Esp, Leonard J.	Big Timber	Sweet Grass	Republican
Foley, Edward J.	Butte	Silver Bow	Democrat
Freshman, Walter	Butte	Silver Bow	Democrat
Fulton, Frank F.	Plevna	Fallon	Republican
Gebhardt, R. H.	Billings	Yellowstone	Republican
Goodgame, Allen	Troy	Lincoln	Democrat
Graybill, Leo C.	Great Falls	Cascade	Democrat
Haines, Clifford E.	Creston	Flathead	Republican
Haines, Thomas F.	Missoula	Missoula	Republican
Hanford, Norris E.	Fort Benton	Chouteau	Republican
Harpster, John	Glendive	Dawson	Republican
Hauge, Clifford J.	Paradise	Sanders	Republican
Hawks, Clyde L.	St. Xavier	Big Horn	Republican
Hess, H. H.	Havre	Hill	Democrat
Higgins, Dave M.	Cut Bank	Glacier	Republican
Holtz, Ronald W.	Floweree	Cascade	Democrat
Iten, Joseph	Hamilton	Ravalli	Republican
Jensen, Arthur N., Sr.	Superior	Mineral	Democrat
Karlberg, John	Missoula	Missoula	Democrat
Leuthold, John H.	Molt	Stillwater	Republican
Lien, Oliver M.	Brockton	Roosevelt	Democrat
Loble, Henry	Helena	Lewis & Clark	Democrat
Lockridge, D. C.	Stevensville	Ravalli	Democrat
Loughran, Mike	Butte	Silver Bow	Democrat
MacDonald, John J.	Jordan	Garfield	Democrat
Mackay, William R.	Roscoe	Carbon	Republican
Magnuson, Melvin E.	Helena	Lewis & Clark	Democrat
McBride, Eugene C.	Anaconda	Deer Lodge	Democrat
McCarthy, Daniel J.	Walkerville	Silver Bow	Democrat
McElwain, Joseph A.	Deer Lodge	Powell	Republican
Michels, Lloyd J.	Medicine Lake	Sheridan	Democrat
Mountain, James A.	Butte	Silver Bow	Democrat
Nixon, Richard	Hogeland	Blaine	Democrat
Norby, Fritz	Great Falls	Cascade	Republican
O'Connor, Geo. W.	Fromberg	Carbon	Republican
Omholt, E. V.	Dutton	Teton	Republican
Page, John R.	Philipsburg	Granite	Democrat
Page, Winfield E.	Missoula	Missoula	Republican
Parker, Clem	Wibaux	Wibaux	Democrat
Peters, Carl B.	Billings	Yellowstone	Republican
Phillips, R. J.	Lewistown	Fergus	Republican
Pierce, George R.	Billings	Yellowstone	Republican
Prill, L. M.	Billings	Yellowstone	Republican
Purdy, C. Lowell	Havre	Hill	Republican
Reed, Bess R. (Mrs. Dallas J.)	Missoula	Missoula	Republican
Rieder, Arnold	Boulder	Jefferson	Democrat
Rostad, Orville	Lennep	Meagher	Republican
Sagunsky, Walter G.	Sheridan	Madison	Republican
Sales, Walter L.	Manhattan	Gallatin	Republican
Schiltz, John M.	Billings	Yellowstone	Republican
Scofield, Charles L.	Biddle	Powder River	Republican
Seifert, J. P.	Conrad	Pondera	Republican

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HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Skibby, Edward J.	Winnett	Petroleum	Republican
Smith, J. Miller	Helena	Lewis & Clark	Republican
Sykes, Robert C. (Bob)	Kalispell	Flathead	Republican
Taylor, Neil	Scobey	Daniels	Republican
Tripp, Dr. Myron	Neihart	Cascade	Democrat
Trout, Keith W.	Miles City	Custer	Democrat
Valach, Frank	Lewistown	Fergus	Democrat
Van Dyke, William	Harlowton	Wheatland	Democrat
Watkins, A. J.	Chapman	Phillips	Republican
Westlake, Lovitt I.	Bozeman	Gallatin	Democrat
Wiedman, R. H.	Polson	Lake	Republican
Wilson, Archie	Hysham	Treasure	Republican
Wilson, J. Harry	Stanford	Judith Basin	Democrat
Working, Paul	Wilsall	Park	Republican

LEWIS R. KNOX, Chief Clerk.

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PROPOSED PETITION FOR INITIATIVE NO. 54

A Bill to Enact By Initiative a Law Providing for the Payment of An Honorarium, or Adjusted Compensation, to Each Resident of Montana Who Was On Active Duty In Military Service In the Military Forces of the United States During World War II, Between December 7, 1941, and September 2, 1945, Both Dates Inclusive; Authorizing the State of Montana to Become Indebted In the Sum of Twenty-two Million Dollars ($22,000,000.00) In Excess of the Constitutional Limit Over and Above Any Bonded Indebtedness Heretofore Incurred or

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Created and for Which Said State Is Now Obligated; Creating the War Veterans' Compensation Fund: Providing for the Issuance and Sale of Limited Obligation Bonds Of and In the Name of the State of Montana in the Sum of Twenty-two Million Dollars ($22,000,000.00) to Acquire Funds for the Payment of Such Honorarium or Adjusted Compensation; Providing for the Form of Such Bonds; Providing That Such Bonds Shall Not Be or Become General Obligations of the State of Montana, But Shall Be Payable Only Out of the Cigarette Tax Provided for In Said Law; Providing for the Creation of a Veterans' Compensation Bond Retirement Fund to Pay the Principal and Interest of Such Bonds By Levying An Excise Tax Upon the Sale of Cigarettes In the State of Montana In Addition to the Cigarette Tax Imposed By Chapter 56 of Title 84 of the Montana Revised Codes of 1947, and Providing for the Collection of Such Additional Tax In the Same Manner As the Cigarette Tax Imposed By Said Chapter 56 Is Collected; Amending Sections 84-5606 and 84-5621 of Said Revised Codes; Making An Appropriation of the Funds Derived from the Sale of Such Bonds; Providing the Method of Payment of Such Honorarium or Adjusted Compensation; Defining Words and Phrases; Pledging the State of Montana to Continue to Levy and Collect Such Tax and Place the Proceeds Thereof In the War Veterans' Compensation Bond Retirement Fund Until All Bonds Issued Under the Provisions of Said Law and the Interest Thereon Shall Have Been Paid; Making the Bonds Issued Under Said Law a Legal Investment for Funds of the State of Montana; Providing Penalties for Violation of Provisions of Said Law; and Making Other Provisions Germane to the Main Purpose of Said Law 781

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SESSION LAWS

CHAPTER 1

An Act Authorizing the State Fish and Game Warden to Make Payment to Counties in Lieu of Taxes for the Purpose of Reimbursing Said Counties, Either in Whole or in Part, for Loss of Taxes on Real Property Resulting from the Acquisition of Land for the Use and Benefit of the Fish and Game Commission, and Providing for the Allocation of Such Funds to School Districts Which Contain Any of Such Land, in Such Amounts as the County Commissioners Shall Determine, and Any Balance Remaining Shall be Credited to the General Fund of Said County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Fish and Game Warden shall, on or before the 10th day of June, of each year, prepare and transmit a voucher to the Treasurer of each county wherein the State of Montana Fish and Game Department owns any lands acquired by it for its purposes as provided by Law, which voucher shall describe the lands situate within the county and state the number of acres in each parcel thereof and shall authorize the drawing of a warrant to the county in a sum equal to five cents (5¢) for each acre shown on the voucher. Each County Treasurer receiving such a voucher shall execute the same and return it to the State Fish and Game Warden, who shall approve it and transmit it to the State Auditor. The State Auditor shall draw a warrant in the amount shown on each voucher, payable to each county, and shall transmit said warrant to the County Treasurer thereof. Such warrant shall be payable out of any funds to the credit of the State Fish and Game Commission: Provided, that no voucher shall include and no payment shall be made to any county wherein the State of Montana Fish and Game Department owns less than one hundred (100) acres, and no voucher shall include and no payment shall be made to any county for any lands owned by the State of Montana Fish and Game Department for game bird farm or fish hatchery purposes.

Lands of fish and game department—per acre charge payable to county treasurer annually.

Procedure for payment.

Exceptions.

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Allocation of funds.

Section 2. The County Commissioners of any county receiving such funds shall be, and they are, hereby authorized to allocate any portion of such funds to any school district in said county, which school district shall contain any of said lands, in such amounts as they shall determine; and any balance remaining, after allocations have been made to school districts, shall be credited to the general fund of said county.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect after its passage and approval.

Approved January 25, 1951.

CHAPTER 2

An Act to Amend Section 1, Chapter 65, Laws of the Thirty-first Legislative Assembly, 1949, Relating to Cancellation of Record of Special Improvement District Warrants and Liability Accounts in Cities and Towns in Which Warrants or Liability Accounts Were Incurred or Issued Prior to February 25, 1929, and the Liability of Which Has Been Extinguished by Reason of Issuance of Tax Deeds, by Application of Statute of Limitations, or Other Laws of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 1, Ch. 65, Laws of 1949.

Section 1. That Section 1, Chapter 65, Laws of the Thirty-first Legislative Assembly 1949, be, and the same is hereby amended to read as follows:

"Section 1. The City Council of any city *and the town council of any town* in the State of Montana is hereby authorized to cancel of record all or any Special Improvement District Liability Accounts incurred or issued prior to February 25, 1929, the liability of which has been extinguished by reason of issuance of tax deed, or by the application of the Statute of Limitations or other laws of the State of Montana."

Cancellation of record of certain special improvement district warrants by cities and towns.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved January 25, 1951.

CHAPTER 3

An Act Authorizing the Impounding and Restraining Within the State of Montana, the Waters of the Clark Fork River for a Distance Not Exceeding Twenty-five Miles from the Idaho-Montana Boundary Line, by a Dam Located on Said River, in the State of Idaho, and Constructed by Any Person, Firm, Partnership or Corporation Authorized to Do Business in the State of Montana, and Providing That Present and Future Appropriations of Water for Irrigation and Domestic Use in Montana Shall Have Priority Over Water for Power Use at Said Dam, and Providing That This Act Shall Take Effect Upon Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, water is one of Montana's great natural resources; and Preamble

WHEREAS, the Clark Fork River flows from Montana to Idaho; and

WHEREAS, in the future a compact may be entered into by the States and the United States for the natural resources of the Columbia River Basin; and

NOW, THEREFORE, this water resource shall be taken into consideration in such compact for allocation to Montana.

Section 1. The waters of the Clark Fork River may be impounded or restrained within the State of Montana for a distance not exceeding twenty-five miles from the Idaho-Montana boundary line, by a dam located on said river in the State of Idaho, and constructed by any person, firm, partnership or corporation authorized to do business in the State of Montana, provided, however, that any present or future appropriations of water in the water shed in the State of Montana for irrigation and domestic use above Waters of Clark Fork river may be impounded, subject to prescribed conditions.

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said dam shall have priority over water for power use at said dam.

Effective date.

Section 2. This act shall be in full force and effect upon its passage and approval.

Approved January 25, 1951.

January 25, 1951

President of the Senate
Senate Chambers
Helena, Montana

The Clark Fork River flows westerly through Sanders County, Montana, into Idaho. The Washington Water Power Company proposes to construct a dam on this River in Idaho about one mile from the Montana-Idaho boundary. This dam will back the water of the Clark Fork River through a steep mountain gorge into Montana for approximately twenty-five miles from the Idaho-Montana boundary line and will flood but a small acreage of usable land.

The Company has already agreed to make payment for the land which will be flooded by the dam and has also already agreed with the County of Sanders to pay taxes on this land on the basis of its purchase price. The Company has further agreed to take care of any additional school expense as a result of the construction of this dam.

The Federal Power Commission has issued a license to the Washington Water Power Company requiring that work begin on the dam not later than March 1, 1951 and that the first three units of the project be completed by December 31, 1952. The permit of the Federal Power Commission implies the consent of all other Federal Agencies, including the Bureau of Reclamation, for the construction of this dam. None of these agencies are opposing the construction of this project.

The Defense Power Administration of the United States has urgently recommended that the State of Montana properly take any necessary action to enable construction of this project so that it may proceed at the earliest possible date in the interest of the National Defense Program. The basis for this recommendation is stated by the Defense Power Administration to be, "necessary for

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the national defense to assist in relieving critical power shortage in the Pacific Northwest.''

Because many injustices have been committed in the name of National Defense due principally to the speed in which projects are consummated, and because I believe adherence to the philosophy of ''Montana waters for Montana people'' is of the utmost importance to the welfare of this State, I have therefore carefully scrutinized this particular legislation.

In studying Senate Bill No. 9, one must determine primarily how the proposed dam will effect Montana waters and then effect the entire State of Montana. And in this connection, the following questions are pertinent: Will the dam flood any feasible dam site in Montana or effect Power projects in Montana? How will the dam effect water for consumptive use and for irrigation in Montana?

In answer to question one, the Army Engineers' 308 Report, states that the building of the Cabinet Gorge Dam (which is the dam set forth in Senate Bill No. 9) will not flood out any feasible dam site and is considered a major project which will still allow two (2) additional dams in Montana between the Cabinet Gorge plant and the Thompson Falls dam; to-wit, the Noxon and the Trout Creek dams, both of which are proposed for construction sometime in the future.

In answer to question number two, Senate Bill No. 9 in Section One (1) thereof, specifically provides — and I quote — ''that any present or future appropriations of water in the water shed in the State of Montana for irrigation and domestic use above said dam shall have priority over water for power use at said dam.''

It would, therefore, appear that the first question must be answered in the negative and that in answering the second question, it must be stated that the proposed dam will not effect the consumptive use of water in Montana above the dam or water for irrigation in Montana above the dam.

The quoted language found in Section One (1) of Senate Bill No. 9 was approved by the Attorney General as legally safe-guarding Montana water for irrigation and consumptive purposes above the dam. It might be argued by

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some that this language does not reserve to this state water for irrigation and for consumptive use above the dam, but I agree with the Attorney General in his interpretation, for the reason that if this state has the right to grant, it certainly has the right to make reservations in that grant.

The Montana Water Conservation Board and its engineer agree that Senate Bill No. 9 will not be detrimental to the use of the Clark Fork River for power, irrigation or consumptive use above the dam.

This Legislature in enacting Senate Bill No. 9 also shows its intent of demanding an allocation of waters for Montana when and if a Compact is entered into concerning waters of the Columbia River Basin. This assertion by the Legislature, coupled with the reservations it has made in Senate Bill No. 9, clearly demonstrates that Montana has the right to claim and does claim the right to waters within the State of Montana and an interest to the waters that originate and flow out of the State of Montana. With this contention I agree and in signing and approving Senate Bill No. 9, I take the position as Governor of the State of Montana, that the State of Montana has the right to claim its waters within its borders and has the right to claim an interest in the waters originating in this state and flowing into other States or into an adjacent Nation.

Section 89-846, Revised Codes of Montana, 1947, provides in substance that no waters will be impounded in this state for the use of other states without the express approval of the Legislature of the State of Montana. It is thus obvious that no public official, board or bureau of the State of Montana, has the right to allow waters to be impounded in this state for use in another state, since this right is solely within the province of the Legislature. This is good law because such a vital resource as water should be governed solely by the duly elected agents (The Legislature) of all the people of this great State.

While it might be argued that construction of the dam involved does not come within the statutes cited, yet it is so closely related that it certainly must be construed as embraced within the meaning of that statute.

Save for Compacts, this is the first time in the history

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of this state that the Legislature has asserted the right of the State of Montana to its waters within the state and an interest in the waters which originate and flow out of the state, under the statute cited.

For the reasons herein given, I have this day approved Senate Bill Number 9.

Sincerely yours,

John W. Bonner,
Governor.

CHAPTER 4

An Act to Approve, Legalize and Adopt as the Laws of Montana the Revised Codes of Montana, 1947, Prepared by the Code Commissioners Appointed by Authority of Chapter 184 of the Laws of the Twenty-ninth Legislative Assembly of Montana of 1945 and Chapter 266 of the Laws of the Thirtieth Legislative Assembly of Montana of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of Montana, 1947, approved and adopted.

Section 1. That the Revised Codes of Montana, 1947, in nine volumes as compiled, numbered and arranged by the code commissioners appointed by authority of Chapter 184 of the Laws of the Twenty-ninth Legislative Assembly of Montana of 1945 and Chapter 266 of the Laws of the Thirtieth Legislative Assembly of Montana of 1947, and as certified to by said code commissioners are hereby, as to both form and substance, approved, legalized and adopted as the laws of Montana now in force and effect and the same are hereby declared to constitute the laws of Montana now in force and effect except such laws as may be adopted by the Thirty-second Session of said Legislative Assembly and except such laws as were adopted by the Thirty-first Session of said Legislative Assembly.

Changes by code commissioners approved and adopted.

Section 2. All changes made by said code commissioners in the language or arrangement of any law of the state now embodied in said codes and all additions of new sections made by said commissioners to said code, are hereby legalized, approved and given validity.

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Construction of Act — saving clause.

Section 3. Nothing herein contained shall be deemed as invalidating or in any manner affecting the legality of any act or thing heretofore or hereafter done by authority of any enactment which is not included in said Revised Codes of Montana, 1947; and nothing herein contained shall affect the existence, validity, or enforcement of any act, enactment, or title thereof, statute, or code section, omitted from, or erroneously, or inaccurately set forth in said revision.

Effective date.

Section 4. This act shall take effect and be in full force from and after its passage and approval.

Approved January 30, 1951.

CHAPTER 5

An Act Providing the Method of Extending the Period of the Corporate Existence of Foreign Corporations or Joint Stock Companies in the State of Montana and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Method of extending corporate existeice of foreign corporations or joint stock companies.

Section 1. Any foreign corporation or joint stock company, except a foreign insurance company or a corporation otherwise provided for, organized under the laws of any state, or of the United States, or any foreign government, and which has heretofore qualified to do business in this state and which has continuously thereafter done business as such in this state, whose term of corporate existence in the State of Montana has expired or is about to expire under Montana law, if the same has not been administered upon as an expired corporation, or gone into liquidation or had any settlement of its affairs, or any foreign corporation or joint stock company, except a foreign insurance company or a corporation otherwise provided for, which hereafter so qualifies and so continuously does business thereafter, may have the term of its corporate existence extended for a period within the limits provided for corporate existence by the laws of Montana, by filing a renewal certificate of its corporate existence. The renewal of the corporate existence in this state of a foreign corpora-

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tion in accordance with this section, when authorized by the stockholders or by the board of directors or trustees of such corporation, may be made by filing a renewal certificate of its corporate existence, executed by the president and secretary of such corporation under its corporate seal, in the office of the Secretary of State of Montana. Such renewal certificate shall set forth the period of time for which such corporate existence is to be extended. Every such foreign corporation shall also file with such renewal certificate a sworn statement, under its corporate seal, setting forth the entire amount of its capital stock and that proportion thereof which is represented by the corporate property, capital and assets employed and located in the State of Montana. Upon the filing of such renewal certificate and statement, and the payment of the fees in proportion to their capital stock employed within the State of Montana as are required for the extension of like domestic corporation in accordance with Section 25-102, Revised Codes of Montana, 1947, such foreign corporation shall be authorized to continue to do business in the State of Montana for the period of such extension.

Renewal certificate to be filed.

Fees to be paid.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved January 30, 1951.

CHAPTER 6

An Act to Amend Section 26-105 of the Revised Codes of Montana, 1947, as Amended by Chapter 152, Session Laws of the Thirty-first Legislative Assembly, 1949, Relating to the Compensation of Montana Fish and Game Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-105 of the Revised Codes of Montana, 1947, as amended by Chapter 152, Session Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is hereby amended to read as follows:

Amendment of Sec. 26-105, Rev. Codes, 1947, as amended.

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"Section 26-105. **Compensation of Commissioners.** The members of the Commission shall receive no compensation for their services as members thereof, except a per diem of Fifteen Dollars ($15.00) for a period of time commencing on passage and approval of this act, and continuing until *July 1, 1953,* and not more than Ten Dollars ($10.00) per diem thereafter, for each member for every day in actual attendance of meetings, of said Commission or in the execution of their duties as members of said Commission; provided, however, that in no instance shall any member of said Commission receive as said per diem a sum in excess of Six Hundred Dollars ($600.00) in any one (1) year for the period of time commencing on passage and approval of this act, and continuing until *July 1, 1953,* and not to exceed Four Hundred Dollars ($400.00) in any one year thereafter, and the members of said Commission shall be allowed their actual and necessary travelling expenses, while performing their duties as members of said Commission, which shall be paid from the fish and game fund of the State of Montana upon presentation of proper vouchers therefor."

Compensation of commissioners.

Validity of Act.

Section 2. This act shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Effective date.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved January 30, 1951.

CHAPTER 7

An Act to Amend Section 59-524, Revised Codes of Montana, 1947, as Amended by Chapter 17 of the Laws of Montana, 1949, by Providing That the Expenses Allowed to State Officers and Employees for Traveling Within and Without the State of Montana Shall Be Maintained at Their Present Level Until the 1st Day of July, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 59-524, Rev. Codes, 1947, as amended.

Section 1. That Section 59-524, Revised Codes of Montana, 1947, as amended by Chapter 17 of the Laws of Montana, 1949, be, and the same is hereby amended to read as follows:

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"Section 59-524. **Expenses of persons in State service — statements — limitation.** Every person engaged in any service in every department of state, inclusive of persons in appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized statement tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expense incurred daily and shall render to the Board of Examiners the said itemized statement, and at the end of each month, or if sooner required by said board, the said person so engaged shall render a total or recapitulation account thereof in a form to be prescribed by said board; provided, that in all cases such expenses other than railroad fare, bus fare, or automobile hire shall be limited to not more than six dollars ($6.00) per day for the period of time commencing *July 1, 1951,* and continuing until *July 1, 1953,* and not more than five dollars ($5.00) per day thereafter; provided, however, that such persons while engaged on official business outside the State of Montana, shall be allowed such actual expenses as in the judgment of the Board of Examiners are reasonable in an amount not to exceed eight dollars ($8.00) per day for the period of time commencing *July 1, 1951,* and continuing until *July 1, 1953,* and not more than seven dollars ($7.00) per day thereafter, provided further, that the provisions of this act shall not apply to persons holding offices specifically provided for in Section *93-305,* or Section *93-313,* Revised Codes of Montana, *1947.*"

Expenses of persons in state service.

Itemized statement.

Per diem limitation.

Out-of-state expenses and per diem.

Exception.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 1, 1951.

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CHAPTER 8

An Act to Authorize in Certain Instances the Boards of County Commissioners to Levy an Additional Tax of Not to Exceed Four (4) Mills for the County Poor Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

County commissioners may levy additional four mills for county poor fund — conditions.

Section 1. Whenever the Board of County Commissioners of counties coming within the provisions of this act find that the total amount that may be derived from all other sources will be inadequate to provide the revenue necessary to meet the appropriations for expenditures to be set forth in the Poor Fund Section of the county budget, such county commissioners shall have the power and the authority to levy not to exceed four (4) mills, or so much thereof as may be necessary to meet such expenditures, as an additional levy for the county poor fund after receiving a certificate authorizing them so to do, issued by the State Board of Equalization as in this act provided.

Procedure.

Section 2. On or before the second Monday in July, the Board of County Commissioners of any county desiring to avail themselves of the provisions of this act shall submit a certified copy of their county poor fund budget to the State Examiner and a like certified copy of such budget to the State Department of Public Welfare. The State Examiner shall examine such budget and if it is found by the State Examiner that such budget is in compliance with the laws of this state and the rules and regulations of such examiner's office, he shall so certify and transmit such certified copy of the budget, together with his certificate thereon, to the State Board of Equalization. The State Department of Public Welfare shall examine such budget and if it finds the expenditures and revenues of the previous year are correct and the estimated expenditures and revenues for the current year are approximately correct, then such department shall transmit such copy, together with its certificate, to the State Board of Equalization.

Certification by State Board of Equalization.

Section 3. The State Board of Equalization shall, on receipt of the certified copies of such county poor fund budget containing certificates as provided in Section 2 hereof, examine such documents and if such board finds that a levy as authorized in Section 1, or any part thereof,

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in addition to all other poor fund revenues is necessary, the said board shall certify the amount of the levy to be made by the County Commissioners of such county and transmit such certificate to such Board of County Commissioners who shall thereupon be authorized to make such levy as is authorized.

Effective date.

Section 4. This act shall be in full force and effect from the first day of July, 1951, to the 30th day of June, 1953, and not thereafter.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 1, 1951.

CHAPTER 9

An Act to Amend Section 11-1815 of the Revised Codes of Montana, 1947, Relating to the Fixing of a Maximum Salary of the Chief of Police, in Cities of the First Class; Providing the Amount of Such Maximum Salary, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 11-1815, Rev. Codes, 1947.

Section 1. That Section 11-1815 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Salary of Chief of Police in cities of the first class.

"11-1815. (5107) **Salary of Chief of Police.** The salary of the chief of police in cities of the first class shall *not exceed five* hundred dollars per month, and *subject to such maximum* the salary of the chief of police may be increased from time to time by the mayor, subject to the consent and approval of the council."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 1, 1951.

CHAPTER 10

An Act to Amend Section 11-730 of the Revised Codes of Montana, 1947, Relating to Fixing a Maximum Salary

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of Chief of Police in Cities of the Second and Third Class; Providing the Amount of Such Maximum Salary, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 11-730, Rev. Codes, 1947.

Section 1. That Section 11-730 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Salary of Chief of Police in cities of second class.

"11-730. (5024) **Salary of Chief of Police.** The annual salary and compensation of the chief of police must be fixed by ordinance, and must not exceed, in cities of the second class, *five hundred* dollars *($500.00)* per month, and in cities of the third class not to exceed *three hundred* dollars *($300.00)* per month."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 1, 1951.

CHAPTER 11

An Act Providing for Certification of State Certified Seeds or Plant Parts Intended for Propagation or Sale; to Authorize Certification of Such Seeds or Plant Parts Through Montana State College, Hereafter Referred to As the College, or Its Designated Agents; to Regulate the Relations of Said College to Its Designated Agents; to Regulate the Relations of Said College to Its Certifying Agents and Its Financial Responsibility for Certification Work Done by Its Agents; to Provide Such Certification Shall Be On a Self-supporting Basis; to Provide for the Manner and Form of Certification; and to Provide Penalties for Violations of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Persons subject to Act.

Section 1. Every person, firm, association, or corporation who shall issue, use, or circulate any certificate, advertisement, tag, seal, poster, letterhead, marking, circular, written or printed representation or description, of or pertaining to seeds or plant parts intended for propagation or sale, or sold or offered for sale wherein the words

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"Montana State Certified", "State Certified", "Montana Certified", or similar words or phrases are used or employed, shall be subject to the provision of this act. Every issuance, use or circulation of any certificate and/or other instrument, as in this section above described, shall be deemed to be "certification" as that term is employed in this act.

Regulations by Montana State College as to crops eligible for certification.

Section 2. Every person, firm, association, or corporation subject to the provisions of this act shall observe, perform or comply with all rules, regulations and requirements fixed, established or specified by Montana State College, hereafter referred to as the college, as to what crops grown or to be grown in Montana shall be eligible for certification hereunder, as to the conduct of such certification, either by said college directly or by agents or agencies authorized by it for the purpose, and as to standards, requirements and forms of and for certification hereunder; provided, however, that not more than one such agent or agency for certification shall be designated for any one specified crop. No certification, within the provisions of the act shall be made or authorized except by or through said college.

Certification work to be self-supporting and without financial profit.

Section 3. Certification work, whether conducted by said college or by an agency designated by it, shall be on a self-supporting basis and not for financial profit.

Liability of the college.

Section 4. The said college shall not be financially responsible for debts incurred by damages, or contracts broken by certifying agencies in conducting certification work.

The college may withhold certification.

Section 5. The said college or its designated agency or agencies, may withhold certification from any grower of seeds or plant parts who is engaged in or attempting to engage in any dishonest practices for the purpose of evading the provisions of this act, including standards, rules and regulations laid down by the said college or its designated agency or agencies to cover certification.

Violation deemed a misdemeanor.

Section 6. It shall be unlawful for any person, firm, association or corporation to issue, make, use or circulate any certification as defined in this act, without the authority and approval of the said college, or its duly authorized agency, as herein provided. Every person, firm, associa-

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tion, or corporation who shall violate any of the provisions of this act pertaining to certification shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars ($100.00) nor exceeding five hundred dollars ($500.00) for each offense.

Penalty.

Construction of Act.

Section 7. Nothing contained in this act shall be construed to repeal any provisions of the Montana State Seed Laws.

Approved February 2, 1951.

CHAPTER 12

An Act to Amend Section 23-605 of the Revised Codes of Montana, 1947, Relating to Compensation of Election Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 23-605, Rev. Codes, 1947.

Section 1. That Section 23-605 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Compensation of election officers.

"Section 23-605. **Compensation of election officers.** The compensation of members of boards of election, including judges and clerks, *shall be* fixed *by the board of county commissioners at not to exceed one dollar ($1.00)* per hour for the time actually on duty, and must be audited by the board of county commissioners and paid out of the county treasury."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1951.

CHAPTER 13

An Act to Amend Section 94-2807 of the Revised Codes of Montana, 1947, Relating to the Publication or Broadcast of a True Report of Public Proceedings Being Privileged; Repealing All Acts or Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 94-2807, Rev. Codes, 1947.

Section 1. That Section 94-2807 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Publication of a true report of public proceedings privileged.

"Section 94-2807. **Publishing a True Report of Public Proceedings Privileged.** No reporter, editor, or proprietor of any newspaper. *nor any owner, licensee, or operator of a visual or sound radio broadcasting station or network of stations, nor any agent or employee of any such owner, licensee, or operator,* is liable to any prosecution for a fair and true report of any judicial, legislative, or other public official proceedings, or of any statement, speech, argument, or debate in the course of the same, except upon proof of malice in making such report, which is not implied from the mere fact of publication *or broadcast.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 2, 1951.

CHAPTER 14

An Act to Amend Section 91-2406 of the Revised Codes of Montana, 1947, Relating to Estates Not Exceeding Fifteen Hundred Dollars and Providing That Such Estates Shall Be Distributed to the Widow or to the Minor Children, and Relating to Estates Not Exceeding Three Thousand Dollars and Providing for the Summary Distribution Thereof to the Widow or to the Minor Children.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 91-2406, Rev. Codes, 1947.

Section 1. That Section 91-2406 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"91-2406. (10149) **Estates not exceeding fifteen hundred dollars to go to widow** *or* **minor child or minor**

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children — those not exceeding three thousand dollars to be summarily administered.

Estates of $1,500 or less — distribution of.

"(1) If, on the return of the inventory of the estate of an intestate, it appears that the value of the whole estate does not exceed the sum of fifteen hundred dollars ($1,500.00), the court or judge, by an order of distribution for that purpose, must distribute to the widow, if there be a widow, and if no widow, then to the minor child or minor children, if there is or are any, the whole of the estate, including the fee simple title to the real estate, if any, after the payment of the expenses of his last illness, funeral charges, and expenses of the administration, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the deceased, and there must be no further proceedings in the administration, unless further estate be discovered.

Estates of $3,000 or less — distribution of.

"(2) When it so appears that the value of the whole estate does not exceed the sum of three thousand dollars ($3,000.00), and the expenses of his last illness, funeral charges, and expenses of administration, as well as all other debts of the estate have been paid, it is in the discretion of the court or judge, by an order for that purpose after notice to all persons interested to appear on a day fixed to show cause why such order should not be made, to *distribute* the whole of the estate to the widow, if there be a widow, and if no widow then to the minor child or minor children, in the same manner as above provided in the case where the value of the whole estate does not exceed the sum of fifteen hundred dollars ($1,500.00), subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of deceased.

Notice to creditors.

The notice to creditors must be given to present their claims within *the time set by law for estates in excess of three thousand dollars ($3,000.00),* and those not so presented are barred as in other cases."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 2, 1951.

CHAPTER 15

An Act to Amend Section 93-4304, Revised Codes of

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Montana, 1947, Relating to the Undertaking on Attachment in District Court, and Providing for the Time Within Which the Defendant May Except to the Sureties Thereon, and Providing for the Time Within Which the Sureties May Justify, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 93-4304, Rev. Codes, 1947.

Section 1. That Section 93-4304 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Undertaking — amount of.

"93-4304 (9259) **Undertaking.** Before issuing the writ, the clerk must require a written undertaking on the part of the plaintiff, with two or more sufficient sureties, to be approved by the clerk, in a sum not less than double the amount claimed by the plaintiff, if such amount be one thousand dollars ($1,000.00) or under, or, in case the amount so claimed by plaintiff shall exceed one thousand dollars ($1,000.00), then in a sum equal to such amount, but in no case shall an undertaking be required exceeding in amount the sum of ten thousand dollars ($10,000.00). The condition of such undertaking shall be to the effect that if the defendant recover judgment, or if the court shall finally decide that the plaintiff was not entitled to an attachment, the plaintiff will pay all costs that may be awarded to the defendant, and all damages he may sustain by reason of the issuing out of the attachment, not exceeding the sum specified in the undertaking. At any time *within thirty (30) days after the service of summons,* the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When excepted to, the plaintiff's sureties, upon notice to the defendant of not less than two (2) days nor more than *ten (10)* days, must justify before a Judge of the District Court, or before the clerk thereof, and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the clerk or judge shall issue an order vacating the writ of attachment."

Exception to sufficiency of sureties.

Justification of plaintiff's sureties.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 2, 1951.

CHAPTER 16

An Act to Amend Section 91-4415 of the Revised Codes of Montana, 1947, Relating to Payment and Lien of Inheritance Tax, to Provide a Ten-year Limitation on the Period of Time During Which Unpaid Inheritance Tax Constitutes a Lien on Property Transferred.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 91-4415, Rev. Codes, 1947.

Section 1. That Section 91-4415 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 91-4415. **When payment due — lien of tax — liability for payment — place of payment — receipts — receipt or bond required before final accounting allowed.**

When payment due.

All taxes imposed by this act shall be due and payable at the time of the death of the decedent, except as hereinafter provided; and every such tax shall be and remain

Lien of tax.

a lien upon the property transferred *for a period of ten years from the time of the death of the decedent unless sooner paid,* and the person to whom the property is transferred and the administrators, executors, and trustees of

Liability for payment.

every estate so transferred shall be personally liable for such tax until its payment.

Place of payment.

The tax shall be paid to the state treasurer or to the treasurer of the county in which the district court is situated having jurisdiction as herein provided, and if paid to the county treasurer said treasurer shall make

Receipts.

triplicate receipts of such payment, one of which he shall immediately send to the state treasurer, whose duty it shall be to charge the county treasurer so receiving the tax, with the amount thereof, and the other receipt shall be delivered to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts. One he shall keep on file in his office.

Receipt or bond required before final accounting.

No executor, administrator, or trustee shall be entitled to a final accounting of an estate, in settlement of which a

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tax is due under the provisions of this act, unless he shall produce such receipt or a certified copy thereof or unless a bond shall have been filed as prescribed by section 91-4419."

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 2, 1951.

CHAPTER 17

An Act to Amend Section 84-4907 of the Revised Codes of Montana, 1947, as Amended by Chapter 63, Laws of 1949, by Exempting from Payment of Income Taxes Certain Benefits, Compensation and Allowances Paid by the Veterans' Administration of the United States Government to Veterans of Military Service, and Certain Payments to Persons on Active Military Service; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-4907 of the Revised Codes of Montana, 1947, as amended by Chapter 63, Laws of 1949, be, and the same is hereby amended to read as follows: Amendment of Sec. 84-4907, Rev. Codes, 1947, as amended.

"84-4907. (2295.7) **Gross Income — What Included In.** The term 'gross income';

(1) Includes gains, profits and income derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, business, commerce, sales or dealings in property whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, royalties, securities, or the transaction of any business carried on for gain or profit, and income derived from any source whatever. The amount of all such items shall be included in the gross income, for the taxable year in which received by the taxpayer; unless, under the methods of accounting permitted in this act, any such amounts are to be properly accounted for as of a different period; Gross income — what included in..

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Exclusions.

(2) But does not include the following items which are exempt from taxation under this act:

Proceeds of life insurance policies.

(a) The proceeds of life insurance policies and contracts paid upon the death of the insured to individual beneficiaries or to the estate of the insured.

Return of premium paid.

(b) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract.

Gift, bequest, devise or descent.

(c) The value of property acquired by gift, bequest, devise or descent (but the income from such property shall be included in gross income).

Compensation for personal injuries or sickness.

(d) Any amount received through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness, or through the war risk insurance act or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States, and their dependents.

Stock dividends.

(e) Stock dividends when received by a shareholder shall not be subject to tax, but if before or after the distribution of any such dividend, the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock shall be treated as a taxable dividend and included in gross income; provided, however, that any stock dividend shall be considered in computing gain, profit or income upon the sale, exchange or other disposition of the stock upon which a stock dividend has been declared or of the stock included in such stock dividend.

Payments for military service.

(f) Payments to a veteran of *active military service which military service occurred during wartime, or during any period when United States military forces were engaged in armed hostilities with any nation or nations or during any period of national emergency duly proclaimed by the President of the United States, which said veteran*

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was separated from the service under conditions other than dishonorable, provided, however, that such payments are limited to the following:

Benefits paid by veteran's administration.

Any and all benefits paid by the veterans' administration of the United States government, providing that said benefits arise or accrue as a direct result of such war service. Such benefits may include pension, compensation, insurance, adjusted compensation, gratuity, subsistence allowances, other subsistence and travel allowances, readjustment allowances, accumulated leave compensation, family allowances, burial benefits to family or beneficiary, death benefits to beneficiaries and educational benefits, but shall not include wages or other compensation paid for services rendered to the veterans' administration.

Income received between Jan. 1, 1951 and July 1, 1953 by persons in active military service.

"(g) Any income received between January 1, 1951 and July 1, 1953 by persons in active military service under any law or laws of the United States, but not to exceed the amount of Two Hundred Dollars ($200.00) for each month, or fraction thereof, of such military service, plus rations and quarters allowances and plus re-enlistment bonus."

Taxpayers other than residents.

(h) In the case of taxpayers other than residents, gross income includes only the gross income from sources within this state, but shall not include annuities, interest on bank deposits, interest on bonds, notes or other interest-bearing obligations, or dividends on stock of corporations; except to the extent that such annuities, bank deposits, bonds, notes or other obligations or stocks shall be a part of income from any business, trade, profession or occupation carried on in this state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1951.

CHAPTER 18

An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations Heretofore

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Issued by Public Bodies of This State, and All Proceedings Heretofore Taken by Such Public Bodies. to Authorize and Issue Such Bonds, Instruments and Other Obligations, However Described, and Providing That This Act May Be Cited As "The 1951 Bond Validating Act".

Be it enacted by the Legislative Assembly of the State of Montana:

Title of Act.

Section 1. This act may be cited as "The 1951 Bond Validating Act."

Definitions.

Section 2. The following terms, wherever used or referred to in this act, shall have the following meaning:

"Public Body."

(a) The term "public body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other political or governmental subdivision of the State of Montana, and shall also include the State Board of Education, the State Board of Examiners, the State Water Conservation Board, the State Highway Commission, or any other governmental agency of this state.

"Bonds."

(b) The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Validation of bonds heretofore issued.

Section 3. All bonds heretofore issued for any of the purposes for which bonds may be issued by any public body of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public body, and the sale, exchange, execution and delivery thereof, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such bonds, or to sell, exchange, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale, exchange, execution or delivery, and bonds of such public

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bodies, whether issued or hereafter issued under the authority of proceedings heretofore taken, are and shall be binding, legal, valid and enforceable obligations of such public body.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1951.

CHAPTER 19

An Act Relating to the Collection, Payment and Dishonor of Demand Items by Banks and the Revocation of Credit for, and Payment of Such Items and to Permit and Authorize Deferred Posting of Demand Items; and for Other Purposes Incident to the Practice of Deferred Posting; and to Permit and Authorize Parties to Make Such Collection Agreements as They May Elect to Make, and for Other Purposes Including Variations of This Act by Agreement.

Be it enacted by the Legislative Assembly of the State of Montana:

Time within which bank may dishonor demand item.

Section 1. In any case in which a bank receives, other than for immediate payment over the counter, a demand item payable by, at or through such bank and gives credit there for before midnight of the day of receipt, the bank may have until midnight of its next business day after receipt within which to dishonor or refuse payment of such item. Any credit so given, together with all related entries on the books of the receiving bank, may be revoked by returning the item, or if the item is held for protest or at the time is lost or is not in the possession of the bank, by giving written notice of dishonor, nonpayment, or revocation; provided that such item or notice is dispatched in the mails or by other expeditious means not later than midnight of the bank's next business day after the item was received. For the purpose of determining when notice of dishonor must be given or protest made under the law relative to negotiable instruments, an item duly presented, credit for which is revoked as authorized by this act, shall

Revocation of credit given.

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be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this act, is entitled to refund of, or credit for, the amount of the item.

Section 2. For the purposes of this act:

Item received one day deemed received on next day — when.

(a) An item received by a bank on a day other than its business day, or received on a business day after its regular business hours or during afternoon or evening periods when it has reopened or remained open for limited functions, shall be deemed to have been received at the opening of its next business day;

Term "credit" includes what.

(b) The term "credit" includes payment, remittance, advice of credit, or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes the making of appropriate entries to the receiving bank's general ledger without regard to whether the item is posted to individual customers' ledgers.

Act varied by agreement.

Section 3. The effect of this act may be varied by agreement.

Repealing clause.

Section 4. All acts and parts of acts in conflict with this act shall be, and the same are, hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1951.

CHAPTER 20

An Act Providing for the Disposition of Property Where There Is No Sufficient Evidence That Persons Have Died Otherwise Than Simultaneously, and to Make Uniform the Law With Reference Thereto. and Repealing Paragraph Forty (40), Section 93-1301-7, Revised Codes of Montana of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

No sufficient evidence of survivorship.

Section 1. **No Sufficient Evidence of Survivorship.** Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simul-

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taneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this act.

Beneficiaries of another person's disposition of property.

Section 2. **Beneficiaries of Another Person's Disposition of Property.** Where two or more beneficiaries are designated to take successively by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously the property thus disposed of shall be divided into as many equal portions as there are successive beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each designated beneficiary had survived.

Joint tenants or tenants by the entirety.

Section 3. **Joint Tenants or Tenants by the Entirety.** Where there is no sufficient evidence that two joint tenants or tenants by the entirety have died otherwise than simultaneously the property so held shall be distributed one-half as if one had survived and one-half as if the other had survived. If there are more than two joint tenants and all of them have so died the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants.

Insurance policies.

Section 4. **Insurance Policies.** Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneously the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

Act not retroactive.

Section 5. **Act Not Retroactive.** This act shall not apply to the distribution of the property of a person who has died before it takes effect.

Act does not apply if decedent provides otherwise.

Section 6. **Act Does Not Apply if Decedent Provides Otherwise.** This act shall not apply in the case of wills, living trusts, deeds, or contracts of insurance wherein provision has been made for distribution of property different from the provisions of this act.

Uniformity of interpretation.

Section 7. **Uniformity of Interpretation.** This act shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it.

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Short title of Act.

Section 8. **Short Title.** This act may be cited as the Uniform Simultaneous Death Act.

Repealing clause.

Section 9. **Repeal.** Paragraph Forty (40), Section 93-1301-7, Revised Codes of Montana of 1947, and all other acts and parts of acts in conflict herewith are hereby repealed.

Severability of Act.

Section 10. **Severability.** If any of the provisions of this act or the application thereof to any persons or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Approved February 10, 1951.

CHAPTER 21

An Act to Amend Part 'A' of Section 76-104, Revised Codes of Montana, 1947, Relating to the Composition of the State Soil Conservation Committee; Providing for the Selection and Appointment of Farmer Members; Providing for Filling of Vacancies.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 76-104, Rev. Codes, 1947.

Section 1. That Section 76-104, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 76-104. **State Soil Conservation Committee.**

State Soil Conservation Committee.

"A. There is hereby established, to serve as an agency of the state, and to perform the functions conferred upon it in this act, the State Soil Conservation Committee. The State Soil Conservation Committee shall consist of seven

Members

(7) members. The following shall serve as members of the committee: The Director of the State Agricultural Experiment Station at Bozeman, Montana; the Director of the State Extension Service at Bozeman, Montana; and the Commissioner of the State Department of Agriculture.

Appointment of farmer members.

Four (4) farmer members to be appointed by the Governor from a list of twenty (20) submitted by the Montana Soil Conservation Districts Association, at the next annual meet-

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ing of such association. In the formation of such list to be submitted to the Governor, nominations shall be made by the convention and each district shall have one (1) vote. No person shall be eligible for the selection as a farmer member unless he is at the time of selection or shall have been at some previous time a soil conservation district supervisor. From the list of twenty (20) names submitted the Governor shall appoint one (1) person to serve a one year term, one (1) person to serve a two year term, one (1) person to serve a three year term, and one (1) person to serve a four year term; thereafter each year a list of five (5) names will be compiled in the same manner and submitted to the Governor, from which list the Governor shall appoint one (1) person to serve a four (4) year term on the State Soil Conservation Committee. In the event a vacancy should occur for any reason among the farmer members a successor shall be appointed by the Governor to fill the unexpired term, which successor must be chosen from the last previous list submitted to the Governor. The committee may invite the Secretary of Agriculture of the United States of America to appoint one person to serve with the above mentioned members as a non-voting member of the committee. The committee shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this act.

Vacancy.

Duties and powers.

"B. The State Soil Conservation Committee may employ an administrative officer and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. The committee may call upon the state for such legal services as it may require, or may employ its own counsel and legal staff. It shall have authority to delegate to its chairman, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. It shall be supplied with suitable office accommodations at the State College at Bozeman, Montana, and shall be furnished with the necessary supplies and equipment. Upon request of the committee for the purpose of carrying out any of its functions, the supervising officer of any state agency or of any state institution of learning shall, insofar as may be possible under available appropria-

Administrative Officer and other employees.

Delegation of authority.

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tions, and having due regard to the needs of the agency to which the request is directed, assign or detail to the committee members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the committee may request.

"C. The committee shall annually elect a chairman from its own membership. State committeemen shall continue as members of the state committee so long as they shall retain the offices by virtue of which they shall be serving on the committee. The appointed farmer members shall hold office for four (4) years and their term of office shall be concurrent with the Governor. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. Ex officio members of the committee shall receive no compensation for their services on the committee. Other members of the committee shall receive five dollars ($5.00) per day while on duty. All members of the state committee shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the account of receipts and disbursements.

Term of office of farmer members.

Compensation.

Official bonds.

"D. In addition to the duties and powers hereinafter conferred upon the State Soil Conservation Committee, it shall have the following duties and powers:

Other duties and powers.

"(1) To offer such assistance as may be appropriate to the supervisors of soil conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs;

Assistance to soil conservation district.

"(2) To keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experiences of all other districts organized hereunder, and to facilitate an interchange of advice and experiences between such districts and cooperation between them;

"(3) To coordinate the programs of the several soil

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conservation districts organized hereunder so far as this may be done by advice and consultation;

"(4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts;

"(5) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 10, 1951.

CHAPTER 22

An Act to Amend Section 59-510 of the Revised Codes of Montana of 1947, Relating to Office Hours of Public Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 59-510, Rev. Codes, 1947

Section 1. That Section 59-510 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Office hours.

"59-510. **Office Hours.** Unless otherwise provided by law every officer must keep his office open for the transaction of business continuously from nine o'clock A. M., until five o'clock P. M. each day, *except upon Saturdays when the office hours shall be from nine o'clock A. M. to twelve o'clock noon. Every officer shall keep his office open at such other times as* the accommodation of the public or the proper transaction of business requires, excepting upon holidays, excepting the State Treasurer, who in his discretion may in the interest of the safekeeping of funds, securities and records under his control, close his office during the period from twelve o'clock noon to one o'clock P. M. every day."

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after March 1, 1951.

Approved February 10, 1951.

CHAPTER 23

An Act to Amend Sections 84-4201 and 84-4202 of the Revised Codes of Montana of 1947, Relating to the Collection of Personal Property Taxes Not a Lien on Real Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-4201, Rev. Codes, 1947.

Section 1. That Section 84-4201 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Duty of assessor relating to discovery of personal property, the taxes thereon not being a lien upon real property.

"Section 84-4201. **Duty of Assessor.** It shall be the duty of the assessor, upon discovery of any personal property in the county, the taxes upon which are not in his opinion a lien upon real property sufficient to secure the payment of such taxes, to immediately, and in any event not more than five days thereafter, make a report to the treasurer, setting forth the nature, kind, description and character of such property in such a definite manner that the treasurer can identify the same, the amount and assessed valuation of such property, where the same is located, *the amount of taxes due thereon,* and the name and address of the owner, claimant, or other person in possession of the same. Where such personal property is located in any city or town, which shall have provided by ordinance for the collection of its taxes for general, municipal and administrative purposes by its city or town treasurer, also and at the same time furnish to said city or town treasurer a duplicate of such notice to the county treasurer. *For the purpose of determining the taxes due on such personal property, the assessor must use the levy made during the previous year.*"

Amendment of Sec. 84-4202, Rev. Codes, 1947.

Section 2. That Section 84-4202 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"Section 84-4202. **Duty of Treasurer.** The county treasurer must collect taxes on all personal property, and in the case provided in the preceding section, it shall be the duty of the treasurer immediately upon receipt of such report from the assessor to notify the person or persons against whom the tax is assessed that the amount of such tax is due and payable at the county treasurer's office. The county treasurer must, at the time of receiving the assessor's report, and in any event within thirty days from the receipt of such report, levy upon and take into his possession such personal property against which a tax is assessed and proceed to sell the same, in the same manner as property is sold on execution by the sheriff, and the county treasurer may for the purpose of making such levy and sale, designate and appoint the sheriff as his deputy, and such sheriff shall be entitled to receive the same fees as he is entitled to in making a seizure and sale under execution. Duty of treasurer.

The county treasurer and his sureties are liable on his official bond for all taxes on personal property remaining uncollected by reason of the wilful failure and neglect of such treasurer to levy upon and sell such personal property for the taxes levied thereon. Liability of treasurer.

Nothing herein shall be construed as to prevent the county treasurer from collecting taxes due on personal property by seizure and sale thereof at any time after the expiration of the period hereinbefore mentioned." Construction of Act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 10, 1951.

CHAPTER 24

An Act to Amend Section 11-1104 of the Revised Codes of Montana of 1947 by Adding Thereto a Sub-section Prohibiting Re-enactment of Ordinances Repealed by Initiative of the Voters.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amendment of Sec. 11-1104, Rev. Codes, 1947.

Section 1. That Section 11-1104 of the Montana Revised Codes of 1947 be, and the same hereby is amended to read as follows:

"11-1104. (5058) **Initiative in cities — petition.**

Initiative in cities.

Petition proposing ordinance.

"(1) Ordinances may be proposed by the legal voters of any city or town in this state, in the manner provided in this act. Eight per cent of the legal voters of any city or town may propose to the city or town council an ordinance on the subject within the legislative jurisdiction and powers of such city or town council, or an ordinance amending or repealing any prior ordinance or ordinances. Such petition shall be filed with the city or town clerk. It shall be the duty of the city or town clerk to present the same to the council at its first meeting next following the filing of the petition. The council may, within sixty days after the presentation of the petition to the council, pass an ordinance similar to that proposed in the petition, either in exact terms or with such changes, amendments, or modifications as the council may decide upon. If the ordinance proposed by the petition be passed without change, it shall not be submitted to the people, unless a petition for referendum demanding such submission shall be filed under the provisions of this act.

Action by council.

Procedure in case council makes change in proposed ordinance — suit in District Court.

"(2) If the council shall have made any change in the proposed ordinance, a suit may be brought in the district court in and for the county in which the city or town is situated, to determine whether or not the change is material. Such suit may be brought in the name of any one or more of the petitioners. The city shall be made the party defendant. Any elector of the city or town may appear in such suit in person or by counsel on the hearing thereof, but the court shall have the power to limit the number of counsel who shall be heard on either side, and the time to be allowed for argument. It shall only be necessary to state in the complaint that a petition for an ordinance was filed in pursuance of this act; that the city council passed an ordinance on the subject different from that proposed in the petition; and that the plaintiff desires a construction of the ordinance so passed to determine whether or not it differ materially from that proposed. The petition and the ordinance proposed thereby, and the ordinance actually passed, may be set out in the complaint,

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or copies thereof annexed to the complaint. The names to the petition need not be set out. Such cases shall be advanced and brought to hearing as speedily as possible, and have precedence over other cases, except criminal and taxation cases.

Jurisdiction of District Court.

"(3) The court shall have jurisdiction in such cases to determine whether or not the change made by the city council is material, and also whether the petition was regular in form or substance, and shall also have power to decide, if the fact be put in issue by the defendant, whether or not the petition was signed by a sufficient number of voters and was regular in form. If the court shall decide that the change was material and that the petition was regular in form and signed by a sufficient number of legal voters, then the ordinance proposed by the petition shall be submitted to the people as provided in this act. If the court shall decide that the ordinance passed by the council was not materially different from that proposed in the petition, or the petition was not regular in form, or not signed by a sufficient number of legal voters, the ordinance shall not be submitted to the people. If the court shall decide that the changes made by the council were material, but that the petition was irregular for some reason, or not properly or sufficiently signed, a new petition, regular in form, may be presented by the required number of legal voters, asking the council to submit such ordinance to the people, and thereupon the same shall be so submitted as provided in this act.

Submission of proposed ordinance to the people.

"(4) If the council shall not, within sixty days, pass an ordinance on the subject of the ordinance proposed in the petition, then the ordinance proposed by the petition shall be submitted to the people. Before submitting such ordinance to the people, the mayor or city or town council may direct that a suit be brought in the district court in and for the county, in the name of the city or town, to determine whether the petition and ordinance are regular in form, and whether the ordinance so proposed would be valid and constitutional. The complaint shall name as defendants not less than ten nor more than twenty of the petitioners. In addition to the names of such defendants, in the caption of the complaint, there shall be added the words, 'and all petitioners whose names appear on the petition for an ordinance filed on the.....

Suit in District Court by city.

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day of....., in the year.....,' stating the date of filing. The summons shall be similarly directed and shall be served on the defendants named therein, and in addition thereto shall be published at least once, at the expense of the city, in at least one newspaper published in the city or town.

Finality of decision of District Court.

"(5) In all suits brought under this section the decision of the district court shall be final except in cases where it shall decide that the proposed ordinance would be unconstitutional or invalid as being beyond the powers of the city or town council, and in such excepted cases the petitioners, or any of them, may appeal to the supreme court as in other cases, but shall not be required to give any bond for costs. The decision of the district court holding such ordinance valid or constitutional shall not, however, prevent the question being raised subsequently, if the ordinance shall be passed and go into effect, by any one affected by the ordinance. No costs shall be allowed to either side in suits or appeals under this section.

Re-enactment of ordinance repealed by voters.

"(6) *If an ordinance shall be repealed pursuant to a proposal initiated by the legal voters of a city or town, as in this section provided, the city or town council may not, within a period of two years thereafter, re-enact such ordinance or any ordinance so similar thereto as not to be materially different therefrom. If during such two-year period the council shall enact an ordinance similar to the one repealed pursuant to initiative of the voters, a suit may be brought to determine whether such new ordinance be a re-enactment without material change of the one so repealed, and the provisions of sub-sections 2 and 3 hereof shall apply to such suit and determination of the issues arising thereon. Nothing herein contained shall prevent exercise of the initiative herein provided for, at any time, to procure a re-enactment of an ordinance repealed pursuant to initiative of the voters.*"

Approved February 10, 1951.

CHAPTER 25

An Act to Amend Section 32-702, of the Revised Codes of Montana, 1947, Relating to Bridge Tax in Counties, the Levy and Collection Thereof, Defining Public

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Bridges and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 32-702, Rev. Codes, 1947.

Section 1. That Section 32-702, of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Bridge tax.

"32-702. (1704) **Bridge Tax — Levy and Collection.** The board of county commissioners may levy a special tax not to exceed three (3) mills on the dollar of the taxable property of the county for the purpose of constructing, maintaining and repairing free public bridges; provided, however, that an additional levy for such bridge purposes may be made under conditions as follows: In counties where the total linear feet of bridges or bridge construction is in excess of four thousand (4000) feet and the taxable value of property in said county is four million dollars ($4,000,000.00) or less, the county commissioners may, if they find such to be necessary, levy one (1) mill in addition to the three (3) mills before herein provided for; in counties where the total linear feet of bridges or bridge construction is in excess of six thousand (6000) feet and the taxable value of property in said county is not less than four million dollars ($4,000,000.00), nor more than twelve million dollars ($12,000,000.00), the county commissioners may, if they find such to be necessary, levy two (2) mills in addition to the three (3) mills before herein provided for; *provided, however, that a free public bridge is hereby defined to mean any drainage structure located on, over or through any road or highway.* Such taxes must be levied and collected in the same manner as other taxes, and the money, when collected and paid into the county treasury, must be kept as a special bridge fund, subject to the order of the board of county commissioners, to be used in the construction, maintaining and repairing at such places as said board directs; provided such additional special bridge fund herein provided for shall not be transferable to any other fund."

Additional levy of one mill in certain counties.

Levy of two additional mills in certain counties.

Free public bridge.

Special bridge fund.

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 13, 1951.

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CHAPTER 26

An Act to Fix the Compensation of Officers and Employees of the Thirty-second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble.

Section 1. WHEREAS existing wage scales in effect at this time present an emergency requiring that the compensation of officers and employees of the thirty-second legislative assembly shall be paid at a higher rate than that heretofore required, or which in all probability will be hereafter required, and notwithstanding the general law fixing the compensation of officers and employees of the legislative assemblies, and expressly without amending any such law or laws except to the extent that they shall not apply to the compensation of officers and employees of the thirty-second legislative assembly;

Compensation of officers and employees of 32nd Assembly.

Compensation shall be paid to the officers and employees of the thirty-second legislative assembly as follows:

$10.00 per day.

The Secretary of the Senate, the Chief Clerk of the House of Representatives, the Sergeant-at-Arms of each house, the Senate law clerk and the House of Representatives law clerk, ten dollars ($10.00) per day each;

$9.00 per day.

The assistant secretary of the Senate, the assistant chief clerk of the House of Representatives; the journal clerk, the enrolling clerk, the engrossing clerk, the bill clerk, the chief printing clerk of each house; the assistant sergeant-at-arms of the Senate, the assistant sergeants-at-arms of the House of Representatives; the assistant Senate law clerk and the assistant House of Representatives law clerk (in case such assistants are employed), the secretary to the judiciary committee, the secretary to the finance and claims committee of the Senate, the secretary to the judiciary committee, the secretary to the appropriations committee of the House, the clerk to the Chief Clerk of the House, the stenographer to the secretary of the Senate, the chief stenographer of the Senate, the secretary to the Speaker of the House of Representatives, the secretary to the President of the Senate, and the secretaries to the majority floor leaders of both houses, nine dollars ($9.00) per day each.

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The assistant journal clerk, the assistant bill clerk, the assistant enrolling clerk, the assistant engrossing clerk, the assistant printing clerk, the reading clerk, the secretary to the sergeant-at-arms of each house; two chief proof readers, and the mailing clerk, of the Senate; the payroll clerk of the House of Representatives, the supply clerk of the House of Representatives, stenographers, and the mailing clerk and filing clerk of the House of Representatives, eight dollars ($8.00) per day each. $8.00 per day.

The chaplain, other committee clerks, typists, other proof readers, door-keepers, assistant door-keepers, janitors, assistant janitors and watchmen of each House, the telephone operators, elevator operators of the House of Representatives, seven dollars ($7.00) per day each. $7.00 per day.

Pages, five dollars ($5.00) per day each. Pages

And all other employees of the legislative assembly not herein specifically enumerated, seven dollars ($7.00) per day each. $7.00 per day.

Each salary herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any officers or employees whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee. Period for which salary shall be paid.

Section 2. The salaries herein specified to be paid to officers and employees shall be effective for and shall be paid only to such officers and employees of the thirty-second legislative assembly of the State of Montana and shall not be effective for, nor payable to the officers and employees of any subsequent legislative assembly. Salaries specified effective only for 32nd Assembly.

Section 3. This act shall take effect and be in full force from and after its passage and approval. Effective date.

Approved January 5, 1951.

CHAPTER 27

An Act to Amend Section 10-622 of the Revised Codes of Montana, 1947, Providing for an Increase in the Maximum Salary Which Can Be Paid to the Chief Pro-

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bation Officer and Further Providing for an Increase in the Maximum Salary Which Can Be Paid to Deputy Probation Officers, Providing for an Effective Date of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 10-622, Rev. Codes, 1947.

Section 1. That Section 10-622 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Chief probation officer for each judicial district.

"Section 10-622. **Probation Officers — Appointments — Removal — Salaries.** In every judicial district of the State of Montana the judge thereof having jurisdiction of juvenile matters shall appoint one discreet person of good moral character, who shall be known as the chief probation officer of such district and who shall hold his office until removed by the court. Such officer shall receive for his services such sum as shall be specified by the court upon appointment, provided that the judge of the district court may employ him on a yearly salary not to exceed *three thousand two hundred dollars ($3,200.00),* or on a per diem basis for the time actually and necessarily employed in performing the duties of the office. The salary of such officer shall be apportioned among and paid by each of the said counties in which said officer shall be appointed to act, in proportion to the assessed valuation of such counties for the year then current, except that where such official is appointed for one county, his salary shall be paid by that county. In the absence of such appointment of chief probation officer, it shall be the duty of the sheriff of the county to perform all the duties of the chief probation officer in this act enumerated without additional compensation, as directed by the court.

Salary.

Duty of sheriff.

Deputy probation officers and stenographers.

"The judge having jurisdiction of juvenile matters may also appoint such additional persons to serve as deputy probation officers and stenographers as the judge deems necessary; their salaries to be fixed by the judge at the time of appointment, provided that such salaries shall not exceed *two thousand five hundred dollars ($2,500.00)* per year."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 13, 1951.

CHAPTER 28

An Act to Amend Section 91-3801, Revised Codes of Montana, 1947, Relating to Proceedings to Determine Heirship and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 91-3801, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 91-3801, Rev. Codes, 1947.

"91-3801. **Proceedings to Determine Heirship.** Any person claiming to be heir to the deceased, or entitled to the distribution in whole or in part of an estate may, at any time after the issuing of letters testamentary or of administration upon such estate, file a petition in the matter of such estate, praying the court or judge to ascertain and declare the rights of all persons to said estate, and all interests therein, and to whom distribution thereof should be made. Upon the filing of such petition, the court or judge must make an order directing service of notice to all persons interested in said estate, to appear and show cause, on a day to be therein named, not less than sixty days nor more than four months from the date of the making of such order, in which notice shall be set forth the name of the deceased, the name of the executor or administrator of said estate, the names of all persons who may have appeared claiming any interest in said estate, in the course of the administration of the same, up to the time of the making of said order, and such other persons as the court or judge may direct, *including the State of Montana by service upon the Attorney General,* and also a description of the real estate whereof said deceased died seized or possessed so far as known, described with certainty to a common intent; and requiring said persons, and all persons named or not named having or claiming any interest in the estate of said deceased, at the time and place in said order specified, to appear and ex- Proceedings to determine heirship. Petition. Notice.

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hibit, as hereinafter provided, their respective claims of heirship, ownership, or interest in said estate, to said court or judge, which notice shall be served in the same manner as a summons in a civil action; upon proof of which service, by affidavit or otherwise, to the satisfaction of the court or judge, the court or judge shall thereupon acquire jurisdiction to ascertain and determine the heirship, ownership, and interest of all parties in and to the property of said deceased, and such determination shall be final and conclusive in the administration of said estate, and of the title and ownership of said property, the court or judge must enter an order establishing proof of the service of such notice; *if it shall appear to the satisfaction of the court or judge that no issue has been joined relative to heirship, then it shall not be necessary in such estate to file a complaint under the provisions of Section 91-3802 and the court or judge shall thereupon enter a decree determining heirship, except in such estates in which nonresident alien heirs are entitled to a distributive share of the estate, in which event and before the entry of a decree determining heirship the court shall proceed to a hearing upon the determination of the question of reciprocity between the foreign country of which the nonresident alien heir is a resident and the United States as provided by Section 91-520. Further, in all estates in which the decedent left a will, it shall be unnecessary to determine heirship but this shall not relieve any nonresident alien heirs, legatees and/or devisees from satisfactorily establishing their identity and proving that reciprocity exists between the country in which the nonresident alien legatee or devisee resides and the United States as provided under the provisions of Section 91-520;* provided, that whenever it appears to the satisfaction of the court or judge that such estate consists of personal property only, and upon application being made showing good reason therefor, the court or judge may, in its discretion, make an order directing service of said notice to all persons interested in said estate to be made by posting or publication, or both, for such shorter period as to the court or judge may appear proper and requisite."

Service of notice.

Jurisdiction.

Nonresident alien heirs.

Reciprocity.

Estates in which decedent left a will.

Estates consisting of personal property only.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 13, 1951.

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CHAPTER 29

An Act to Amend Section 91-3802, Revised Codes of Montana, 1947, Relating to Proceedings to Determine Heirship and Interest in Estates and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 91-3802, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 91-3802, Rev. Codes, 1947.

"91-3802. **Appearance of Parties.** All persons appearing within the time limited must file their written appearance in person or through their authorized attorney, such attorney filing at the same time written evidence of his authority to so appear, which written evidence must be in the English language, or if in a foreign language, the same must be accompanied by an English translation thereof, duly certified as correct by a United States Consul, entry of which appearance shall be made in the minutes of the court and in the register of proceedings of said estate. And the court or judge shall, after the expiration of the time limited for appearing as aforesaid, enter an order adjudging the default of all persons for not appearing as aforesaid, who shall not have appeared as aforesaid. At any time within twenty days after the date of the order of the court or judge establishing proof of service of such notice, any of such persons so appearing may file his complaint in the matter of the estate, setting forth the facts constituting his claim of heirship, ownership, or interest in said estate, with such reasonable particularity as the court or judge may require, and serve a copy of the same upon each of the parties or attorneys who shall have entered their written appearance as aforesaid, if such parties or such attorneys reside within the county; *in all estates in which a nonresident alien heir, legatee and/or devisee has or may have an interest in a decedent's estate, the State of Montana shall be considered a necessary party and must be personally served by serving a copy of the complaint and order on the Attorney General;* and in case any of them do not reside within the county, then service of such copy of said complaint shall be made upon the clerk of said court for them, and the clerk shall forthwith mail the same to the address of such party or attorney

Appearance of parties.

Orders by court or judge.

State of Montana necessary party, when.

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Time for pleading to complaint.

as may have left with said clerk his post-office address. Such parties are allowed twenty days after the service of the complaint, as aforesaid, within which to plead thereto, and thereafter such proceedings shall be had upon such complaint as in this code provided in case of an ordinary civil action; and the issues of law and of fact arising in the proceeding shall be disposed of in like manner as issues of law and fact are herein provided to be disposed of in civil actions, with a like right to a motion for a new trial and appeal to the Supreme Court; and the provisions in this code contained, regulating the mode of procedure for the trial of civil actions, the motion for a new trial of civil actions, statements on motion for a new trial, bills of exceptions and statements on appeal, as also in regard to undertakings on appeal, and the mode of taking and perfecting appeals, and the time within which such appeals shall be taken, shall be applicable thereto; provided, however, that all appeals herein must be taken within sixty days from the date of the entry of the judgment or the order complained of."

Appeal to Supreme Court.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 13, 1951.

CHAPTER 30

An Act to Amend Section 91-521, Revised Codes of Montana, 1947, Relating to the Duties of Executors and Administrators in Estates Involving Alien Heirs and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 91-521, Rev. Codes, 1947.

Section 1. That Section 91-521, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"91-521. **Duties of Executors and Administrators in Estates Involving Alien Heirs.**

Duties of executors and administrators in estates involving alien heirs.

"In any estate where money or property would have vested in any alien person but for the provisions of Section 91-520, it shall be the duty of the executor or the administrator *thereof, as soon as he shall have completed*

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and filed the inventory and appraisement in said estate to furnish the attorney general with the following written information and file a copy thereof, in the probate proceedings in said estate:

"1. The names and addresses of the alien heirs, devisees and/or legatees in said estate;

"2. The share, or proportionate share thereof of each of said alien heirs;

"3. The appraised value of the entire estate."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 13, 1951.

CHAPTER 31

An Act to Amend Section 91-520, Revised Codes of Montana, 1947, Relating to Receipt of Estates by Aliens in Foreign Country and Setting Forth the Conditions Under Which Non-resident Aliens May Qualify As An Heir, Devisee and/or Legatee in Montana and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 91-520, Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows: Amendment of Sec. 91-520, Rev. Codes, 1947.

"91-520: *Conditions Under Which Aliens in Foreign Country May Inherit.*

"1. No person shall receive money or property, save and except mining property, as provided in Section 25, Article III, of the Constitution of the State of Montana, as an heir, devisee and/or legatee of a deceased person leaving an estate or portion thereof in the State of Montana, if such heir, devisee and/or legatee, at the time of the death of said deceased person, is not a citizen of the United States and is a resident of a foreign country at the time of the death of said intestate or testator, unless, reciprocally, the foreign country in question would permit the transfer to an heir, devisee and/or legatee residing in Conditions under which alien residing in foreign country may inherit.

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the United States, of property left by a deceased person in said foreign country.

Proof of reciprocity.

"2. In order to prove reciprocity the alien heir, devisee and/or legatee must establish by competent evidence produced at a hearing to determine heirship; (a) that such foreign country recognizes the right of United States citizens to inherit property left by a deceased person in such foreign country; (b) that such foreign country places no restrictions upon the movement of money or property out of such foreign country to an heir, devisee and/or legatee residing in the United States.

Restrictions on movement of property or money out of United States.

"3. If such proof as required by Subsection 2 establishes the fact that such foreign country recognizes the right of inheritance, but restricts the movement of money or property out of such foreign country to an heir, devisee and/or legatee residing in, and a citizen of the United States, then and in that event, the court upon such a determination, shall at the time of final distribution, order the inheritance of such alien heir, devisee and/or legatee distributed to the State Treasurer of the State of Montana, in trust for such named heir, devisee and/or legatee, under such conditions and restrictions as are imposed on the movement of money or property by such foreign country in question to an heir, devisee and/or legatee residing in, and a citizen of the United States.

Distribution of inheritance to State Treasurer in trust.

Action for dissolution of trust.

"4. In an action for dissolution of the trust so created, the following jurisdictional facts must be set forth in the complaint: (a) the name of the beneficiary of the trust; (b) the foreign country in which the beneficiary has his permanent residence; (c) the conditions and restrictions imposed upon the trust funds by the court in its Decree of Final Distribution; (d) the fact that the beneficiary is in the State of Montana; (e) the verification of the complaint by the beneficiary before an official of the State of Montana authorized by law to administer oaths; (f) that the action has been commenced within the period of three years of the date the trust was created; (g) in the event that the beneficiary is a minor or insane person, his action must be instituted, within the period of limitation herein provided for the commencement of the action, by his guardian, duly appointed under the laws of the country of residence of said minor or insane person and the record of such appointment shall be fully exemplified and attested by a duly

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accredited representative of the state department of the Government of the United States of America in such foreign country; (h) unless the action herein provided shall have been commenced within three years, as required, then such trust funds shall forthwith escheat to the State of Montana, and no action can thereafter be instituted in the courts of this state for the recovery of such escheated trust funds.

Limitation of action — escheat of funds.

"5. The action provided for under the provision of Subsection 4 hereof shall in all other respects comply with the requisites of Section 91-518.

Action — other requirements.

"6. No estate in which alien heirs, devisees and/or legatees have a distributive share shall be considered to be in a condition to petition for final distribution, unless, the court enters a written order in such estate decreeing that an action for determination of heirship has been instituted in which the State of Montana was made a party-defendant and that a decree determining heirship has been entered and filed in said action."

Petition — condition precedent.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 13, 1951.

CHAPTER 32

An Act to Amend Section 75-1813, Revised Codes of Montana, 1947, Allowing Any Two or More School Districts to Consolidate; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-1813, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 75-1813. (1034) **Consolidated Districts — Procedure in Event of Consolidation — Bonded Debts.**

"(1) *Any* two or more school districts lying in one county may be consolidated, either by the formation of a new district, or by the annexation of one or more districts to an existing district, as hereinafter provided.

Consolidation of school districts.

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Consolidation initiated by trustees of two or more districts.

"When severally the boards of trustees of two (2) or more school districts, in regular meeting called for the publicly announced purpose of considering plans for consolidation of said two (2) or more districts and by majority vote of each board of trustees acting separately shall ask for district consolidation of each and all such petitioning boards, the county superintendent of schools having jurisdiction of such districts, within not less than twenty (20) nor more than thirty (30) days, shall cause a ten (10) days' posted notice to be given by the clerk in each district seeking election on such proposed consolidation of districts. Such notice is to be posted in three (3) public places in each such district and in one or more newspapers of the district or county, if there be such, giving the time and place or places specified in each notice to vote on the question of consolidation.

Notice of election.

Alternate method of initiating consolidation.

"Consolidation of any two (2) or more school districts lying in one county may also be effected by the people of the districts concerned whenever a petition shall be directed to and received by the county superintendent of schools, and shall in each such district seeking consolidation be signed by not fewer than twenty percent (20%) of the qualified electors in such district. The county superintendent shall within not less than twenty (20), nor more than thirty (30) days, cause a ten (10) days' posted notice to be given by the clerk in each district seeking election on such proposed consolidation of districts. Such notice is to be posted in three (3) public places in each such district, and in one or more newspapers of the district or county, if there be such, giving the time and place or places specified in each notice to vote on the question of consolidation.

Notice of election.

Election.

"(2) The votes at such election shall be by ballot, which shall read 'For consolidation' or 'Against consolidation'. The presiding officer at such election shall, within ten (10) days thereafter, certify the result of the vote to the county superintendent of the county in which the district lies.

Duty of county superintendent when Consolidation is voted.

"(3) If the majority of the votes cast in each district holding such election be for consolidation, it carries, and the superintendent, within ten (10) days thereafter, shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the county clerk and

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recorder and to the clerk of each district affected. If the order be for the formation of a new district, it shall specify the name and number of such district, and the county superintendent shall appoint three (3) trustees to serve until the first Saturday in April succeeding.

Trustees — term and election of.

"(4) At the regular election succeeding there shall be elected by the regularly qualified electors three (3) trustees, one of whom shall serve for one (1) year, one for two (2) years, and one for three (3) years. The election of trustees and terms shall be the same as for other districts under the general school laws.

Annexation of 3rd class to a 2nd or 1st class district.

"(5) When, in the interest of reducing cost of operation or improving the school service for pupils, a board of trustees, of a third class district, shall by majority vote of its members or at the request of twenty percent (20%) of the qualified electors of the districts indicated by a petition, ask the county superintendent of schools to annex the territory and property of such third class district to *any* second or first class district, the county superintendent shall, upon an approving vote of the trustees of the district with which the annexation is sought, authorize an election on such annexation within not less than twenty (20) nor more than thirty (30) days. Notice of such election shall be given in the same manner and the same general plan for balloting shall be utilized on the question of district annexation by the electors of the petitioning district or districts as the case may be that is hereby authorized for district consolidation.

Election.

Ballot.

"(6) The ballot shall in this case be 'For annexation' and 'Against annexation'. Should the action of the boards of trustees approving the plan of annexation be approved by majority vote of electors of the district or districts seeking election on the issue then the consolidation sought shall be effected by the county superintendent of schools within ten (10) days after such election. In the event of a disapproving vote by majority of votes cast by either of such voting districts, the proposed annexation shall fail.

Favorable vote — duty of superintendent.

"(7) In case of annexation of any district or districts to any existing district, as herein provided, the proper officers of the annexed districts, within ten (10) days from the receipt of a copy of such order, shall turn over to the proper officers of the district to which they are

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Records, funds and effects of annexed district.

annexed, all records, funds, and effects of such annexed district. In case of the formation of a new district, the proper officers of the discontinued districts in like manner, within ten (10) days after the organization of the new district, shall turn over the records, funds, and effects of such old districts to the proper officers of the new districts.

Title to school houses and sites of annexed districts.

Officers.

"(8) In case of consolidation of districts by annexation, the title to school houses and sites of the separate districts shall vest in the new consolidated district. The officers of the first or second class district involved shall continue to hold office under the consolidated district until the end of the terms for which they were duly elected and their successors shall be regularly elected as provided by law.

Applicable laws.

"Consolidated school districts shall be governed by the general school laws of the state.

Existing indebtedness of annexed districts.

"(9) Bonded indebtedness of any district merged by consolidation or annexation shall *remain the indebtedness and obligation of the district which originally incurred such bonded indebtedness and be paid by levies imposed upon property therein.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 13, 1951.

CHAPTER 33

An Act to Amend Section 66-1502 Revised Codes of Montana, 1947, and Section 66-1514 Revised Codes of Montana, 1947, Relating to the Definition of Term "Prescription" and Restrictions Upon Sale of "Prescription" and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 66-1502, Rev. Codes, 1947.

Section 1. That Section 66-1502 Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Definitions.

"66-1502. **Terms defined as used in this act.**

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"Pharmacy." (a) The term 'pharmacy' shall mean a drug store or other established place regularly registered by the State Board of Pharmacy, in which prescriptions, drugs, medicines, chemicals, and poisons are compounded, dispensed, vended or sold at retail.

"Pharmacist." (b) The term 'pharmacist' shall mean a natural person licensed by the State Board of Pharmacy to prepare, compound, dispense and sell drugs, medicines, chemicals and poisons, and such person shall be entitled to affix to his name the term REG-PH.

"Assistant pharmacist." (c) The term 'assistant pharmacist' shall mean a natural person licensed as such by the State Board of Pharmacy to prepare, compound, dispense and sell drugs, medicines, chemicals and poisons in a pharmacy having a pharmacist in charge.

"Drug." (d) The term 'drug' means (1) articles recognized in the official United States pharmacopoeia, official homopathis pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; and (2) articles intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

"Medicine." (e) The term 'medicine' shall mean any remedial agent which has the property of curing, preventing, treating or mitigating diseases, or which is used for such purpose.

"Poisons." (f) 'Poisons' shall mean any substance, which when introduced into the system, either directly or by absorption, produces violent, morbid or fatal changes or which destroys living tissue with which it comes in contact.

"Chemical." (g) 'Chemical' means all medicinal or industrial substances, whether simple or compound or obtained through the process of the science and art of chemistry, whether of organic or inorganic origin.

"Board." (h) The term 'Board' or 'State Board of Pharmacy' shall mean the Montana State Board of Pharmacy.

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"Secretary." (i) The term 'Secretary' shall mean the Secretary of the Montana State Board of Pharmacy.

"Person." (j) The word 'person' shall be construed to include every individual, co-partnership, corporation or association, unless the context otherwise requires.

Words—gender and number included. (k) Masculine words shall include the feminine and neuter and the singular includes the plural.

"Wholesale." (l) The term 'wholesale' shall mean and include any sale for the purpose of resale.

"Commercial purposes." (m) The phrase 'commercial purposes' shall mean the ordinary purposes of trade, agriculture, industry and commerce, exclusive of the practices of medicine and pharmacy.

"Prescription." *(n) The term 'prescription' shall mean an order given individually for the person for whom prescribed directly from the prescriber to the furnisher or indirectly to the furnisher by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name of the patient, the name and the quantity of the drug or drugs prescribed, the directions for use and the date of its issue. These stipulations would apply to both written and telephoned prescriptions."*

Amendment of Sec. 66-1514, Rev. Codes, 1947. Section 2. That Section 66-1514 Revised Codes of Montana 1947, be, and the same is hereby amended to read as follows:

Restrictions upon sale of prescription of opiates. "Section 66-1514. **Restrictions upon sale or prescription of opiates.** It shall be unlawful for any physician to sell, or give to, or prescribe for any person any opium, morphine, alkaloid-cocaine, or alpha or beta eucaine, or codeine or heroin, or any derivative, mixture or preparation of any of them, except to a patient believed in good faith to require the same for medical use, and in quantities proportioned to the needs of such patients.

Restrictions relating to prescriptions generally. *A prescription must be so written that it can be compounded by any registered pharmacist. The coding of any prescription is a violation of this act. A prescription marked 'non repetatur', 'non rep' or 'N. R.' cannot be refilled. A prescription marked to be refilled by a specified amount may be filled by any registered pharmacist the number of times marked on the prescription. A prescription not bearing any limitation of refill may be refilled at will during*

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the time specified. No narcotic prescription may be refilled."

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 13, 1951.

CHAPTER 34

An Act to Repeal Section 84-416 of the Revised Codes of Montana of 1947 Relating to Assessment of Personal Property Situated in a County Other Than That of the Owner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-416 of the Revised Codes of Montana of 1947 be, and the same is hereby repealed. Sec. 84-416, Rev. Codes, 1947, repealed.

Section 2. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 13, 1951.

CHAPTER 35

An Act for the Assessment and Taxation of the Property of Production Credit Associations Organized Under the Provisions of Section 1131d, Title 12, United States Codes Annotated.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every production credit association organized under the provisions of Section 1131d of Title 12, United States Codes Annotated shall be assessed for and pay taxes upon all real and personal property owned by such association, and also upon the moneyed capital employed in such business, such moneyed capital to be ascertained by deducting from the amount of loans, including loans secured by mortgage on real estate or personal property, the amount of such loans discounted, and any indebtedness represent- Taxes payable by production credit associations.

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ing money borrowed for use as moneyed capital. Said moneyed capital shall be taxed at the same rate and take the same classification as shares of stock in a national bank or moneyed capital coming into substantial competition therewith.

Duty of secretary or managing agent of such associations.

The secretary or managing agent of every such association shall furnish to the assessor of the county in which the principal office of such association is located, within five (5) days after demand therefor, a statement in such detail as the assessor may require, verified by his oath of the resources and liabilities of such association as disclosed by its books, at twelve o'clock noon on the first Monday of March in each year. If such secretary or managing agent shall fail to make the statement hereby required, the assessor shall forthwith obtain such information from any other available source, and for this purpose he shall have access to the books of such association. The assessor shall thereupon make an assessment of the real estate and personal property owned by such association, and of the moneyed capital employed in the business of such association which assessment shall be as fair and equitable as he may be able to make from the best information available, or said assessor may, for the purpose of said assessment, adopt the figures disclosed by any prior report made by such association to any state or federal officer pursuant to any state or federal law. Any person required by this section to make the statement hereinabove provided, who shall fail to furnish the same, shall be guilty of a misdemeanor and shall be punished accordingly.

Duty of county assessor.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1951.

CHAPTER 36

An Act to Amend Section 26-201 of the Revised Codes of Montana of 1947, Relating to Migratory Birds by Omitting from the Enumeration of Such Birds "Mourning" or "Turtle Doves".

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-201 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 26-201, Rev. Codes, 1947.

"Section 26-201 (3681) **Definitions.** For the purpose of this act, the following shall be construed, respectively to mean: Definitions.

"Commission. The state fish and game commission. "Commission."

"Person. The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires. "Person."

"Open season. The time during which game birds, fish, game, and fur-bearing animals be lawfully taken. "Open season."

"Closed season. The time during which game birds, fish, game, and fur-bearing animals may not be lawfully taken. "Closed season."

"Angling or fishing. The taking of, or attempting to take fish by hook and line or rod in hand. "Angling or fishing."

"Upland game birds. Sharptailed grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed grouse commonly called native pheasant or native partridge, quail, Chinese pheasant and Mongolian pheasant commonly called ring-necked pheasant, Hungarian partridge, ptarmigan, and wild turkey. "Upland game birds."

"Migratory game birds. Waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown, sandhill and whooping cranes; rails, including coots, gallinules, sora or other rails; shore birds, including avocets, curlew dowicher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes, or jacksnipes, snipes, stilts, plovers, willets and yellow-legs. "Migratory game birds."

"Nongame birds. All wild birds not defined herein as upland game birds or migratory game birds shall be deemed nongame birds. "Nongame birds."

"Game animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat and bear. "Game animals."

"Fur-bearing animals. Marten or sable, otter, fox, muskrat, fisher, mink, raccoon and beaver. "Fur-bearing animals."

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"Predatory animals.

"Predatory animals. Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk and civet cat, black-footed ferret and bobcat.

"Game fish."

"Game fish. Mountain trout, cutthroat or native trout (Salmo Mykiss); rainbow trout, (Salmo Irideus); eastern brook trout, (Salvelinus Fontinalis); grayling, (Thymallus Montanus); steel head trout, (Salmo Rivularis); Dolly Varden trout, (Salvelinus Malma); Loch Leven trout, (Salmo Trutta Levenesis); Chinook salmon, (Oncorhynchus Tschawytscha); silver salmon, (Oncorhynchus Kisutch); Sockeye salmon, (Oncorhynchus Nerka); Rocky Mountain whitefish, (Corgonus Williamsoni); yellow perch, ringed perch, (Perca Flavenscens); large-mouth black bass, (Micropterus Salmoides); small-mouth black bass, (Micropterus Dolomieu); common sunfish, pumpkinseed, (Lepomin Gibosus); Great Northern pike, Northern pickerel, (Esox Lucius); pike perch, wall-eyed pike, pike, yellow pike, (Stizostedion Vitreum); Mackinaw trout, (Salvelinus Namaycush)."

Approved February 13, 1951.

CHAPTER 37

An Act to Amend Section 31-125 of the Revised Codes of Montana, 1947, Relating to Licenses Issued to Operators and Chauffeurs and Providing That Cities and Towns Issuing Local Driving Licenses or Permits Require an Applicant Therefor to Present a Valid State License Before Issuing Such Local Driving License.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 31-125 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"31-125. **Operators and Chauffeurs Must Be Licensed.**

Operators and chauffeurs must be licensed.

(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator or chauffeur under the provisions of this act. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall

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receive a chauffeur's license unless and until he surrenders to the Board any operator's license issued to him or an affidavit that he does not possess an operator's license.

(b) Any person holding a valid chauffeur's license hereunder need not procure an operator's license."

Driving license issued by city or town.

(c) *Whenever a city or town requires an operator or chauffeur to obtain a local driving license or permit, such a license or permit shall not be issued unless the applicant therefor presents a State driver's license valid under the provision of this act.*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1951.

CHAPTER 38

An Act Authorizing the Council of Any City or Town to Abandon the Maintenance of Street Parking Improvement Districts and Establishing the Procedure Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Cities and towns authorized to abandon maintenance of street improvement districts — procedure for.

Section 1. That whenever it is deemed to the best interest of a city or town or the inhabitants thereof by the mayor and council of such city or town the mayor and council of any city or town in the State of Montana, be, and they are hereby authorized to abandon the maintenance of any street parking improvement district established in such city or town by the passage of a resolution of intention to abandon the same. After the passage of such resolution the city or town clerk shall give notice of such intention to abandon by one publication in a newspaper published in such city or town at least ten (10) days prior to the passage of a resolution abandoning the same. In case there is no publication of a newspaper in such city or town then notice shall be given by the posting of a notice of such intention to abandon in three (3) places within such district to be abandoned. Said notice shall specify the boundaries of such district to be abandoned, the date of the passage of

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the resolution of intention to abandon, and the date set for the passage of the resolution of abandonment, and that unless forty percent (40%) of the owners in the district file written protest with the clerk of such city or town before the passage of the resolution same will be passed. Said notice shall also set forth, when applicable, that it shall be the duty of the owners of the property abutting on the street parking district involved to maintain the same after such abandonment. Unless forty percent (40%) of the property owners owning property abutting such district file written protests against such abandonment upon the date set for the passage of such resolution of abandonment said council shall forthwith pass a resolution declaring such district abandoned. It shall then be the duty of all property owners owning property abutting said district to maintain such portion thereof abutting their property. Such abandonment however shall not relieve the property owners from the assessment and payment of a sufficient amount to liquidate all charges existing against said district prior to the date of abandonment.

Protest by owners in district.

Duty of abutting property owners to maintain portion of district, when.

Existing charges against district.

Approved February 13, 1951.

CHAPTER 39

An Act to Approve and Ratify the "Yellowstone River Compact" Between the States of Montana, North Dakota and Wyoming.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Legislative Assembly of the State of Montana hereby approves and ratifies the Compact designated as the "Yellowstone River Compact", dated at the City of Billings, State of Montana, on the 8th of December, 1950, signed by Fred E. Buck, A. W. Bradshaw, H. W. Bunston, John Herzog, John M. Jarussi, Ashton Jones, Chris Josephson, A. Wallace Kingsbury, P. F. Leonard, Walter M. McLaughlin, Dave M. Manning, Joseph Muggli, Chester E. Onstad, Ed F. Parriott, R. R. Renne and Keith W. Trout, as State Representatives of the State of Montana on a Compact Commission between the States of Montana, North Dakota and Wyoming; which Compact is as follows:

"Yellowstone River Compact" approved.

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YELLOWSTONE RIVER COMPACT

Preamble of the compact between the states of Montana, North Dakota and Wyoming.

The State of Montana, the State of North Dakota, and the State of Wyoming, being moved by consideration of interstate comity, and desiring to remove all causes of present and future controversy between said states and between persons in one and persons in another with respect to the waters of the Yellowstone River and its tributaries, other than waters within or waters which contribute to the flow of streams within the Yellowstone National Park, and desiring to provide for an equitable division and apportionment of such waters, and to encourage the beneficial development and use thereof, acknowledging that in future projects or programs for the regulation, control and use of water in the Yellowstone River Basin the great importance of water for irrigation in the signatory States shall be recognized, have resolved to conclude a Compact as authorized under the Act of Congress of the United States of America, approved June 2, 1949 (Public Law 83, 81st Congress, First Session), for the attainment of these purposes, and to that end, through their respective governments, have named as their respective Commisisoners:

Names of the commissioners.

For the State of Montana:

Fred E. Buck
A. W. Bradshaw
H. W. Bunston
John Herzog
John M. Jarussi
Ashton Jones
Chris Josephson
A. Wallace Kingsbury
P. F. Leonard
Walter M. McLaughlin
Dave M. Manning
Joseph Muggli
Chester E. Onstad
Ed F. Parriott
R. R. Renne
Keith W. Trout

For the State of North Dakota:

I. A. Acker
Einar H. Dahl
J. J. Walsh

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For the State of Wyoming:

L. C. Bishop
Earl T. Bower
J. Harold Cash
Ben F. Cochrane
Ernest J. Goppert
Richard L. Greene
E. C. Gwillim
E. J. Johnson
Lee E. Keith
N. V. Kurtz
Harry L. Littlefield
R. E. McNally
Will G. Metz
Mark N. Partridge
Alonzo R. Shreve
Charles M. Smith
Leonard F. Thornton
M. B. Walker

who, after negotiations participated in by R. J. Newell, appointed as the representative of the United States of America, have agreed upon the following articles, to-wit:

ARTICLE I

The name of a state — how construed.

A. Where the name of a state is used in this Compact, as a party thereto, it shall be construed to include the individuals, corporations, partnerships, associations, districts, administrative departments, bureaus, political subdivisions, agencies, persons, permittees, appropriators, and all others using, claiming, or in any manner asserting any right to the use of the waters of the Yellowstone River System under the authority of said state.

Scope of the compact.

B. Any individual, corporation, partnership, association, district, administrative department, bureau, political subdivision, agency, person, permittee, or appropriator authorized by or under the laws of a signatory state, and all others using, claiming, or in any manner asserting any right to the use of the waters of the Yellowstone River System under the authority of said state, shall be subject to the terms of this Compact. Where the singular is used in this article, it shall be construed to include the plural.

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ARTICLE II

Definitions: "Montana," "North Dakota," "Wyoming."

A. The State of Montana, the State of North Dakota, and the State of Wyoming are hereinafter designated as "Montana," "North Dakota," and "Wyoming," respectively.

"Commission."

B. The terms "Commission" and "Yellowstone River Compact Commission" mean the Agency created as provided herein for the administration of this Compact.

"Yellowstone River Basin."

C. The term "Yellowstone River Basin" means areas in Wyoming, Montana, and North Dakota drained by the Yellowstone River and its tributaries, and includes the area in Montana known as Lake Basin, but excludes those lands lying within Yellowstone National Park.

"Yellowstone River System."

D. The term "Yellowstone River System" means the Yellowstone River and all of its tributaries, including springs and swamps, from their sources to the mouth of the Yellowstone River near Buford, North Dakota, except those portions thereof which are within or contribute to the flow of streams within the Yellowstone National Park.

"Tributary."

E. The term "Tributary" means any stream which in a natural state contributes to the flow of the Yellowstone River, including interstate tributaries and tributaries thereof, but excluding those which are within or contribute to the flow of streams within the Yellowstone National Park.

"Interstate tributaries."

F. The term "Interstate Tributaries" means the Clarks Fork, Yellowstone River; the Bighorn River (except Little Bighorn River); the Tongue River; and the Powder River, whose confluences with the Yellowstone River are respectively at or near the city (or town) of Laurel, Big Horn, Miles City, and Terry, all in the State of Montana.

"Divert." "Diversion."

G. The terms "Divert" and "Diversion" mean the taking or removing of water from the Yellowstone River or any tributary thereof when the water so taken or removed is not returned directly into the channel of the Yellowstone River or of the tributary from which it is taken.

"Beneficial use."

H. The term "Beneficial Use" is herein defined to be that use by which the water supply of a drainage basin is depleted when usefully employed by the activities of man.

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"Domestic use." I. The term "Domestic Use" shall mean the use of water by an individual, or by a family unit or household for drinking, cooking, laundering, sanitation and other personal comforts and necessities; and for the irrigation of a family garden or orchard not exceeding one-half acre in area.

"Stock water use." J. The term "Stock Water Use" shall mean the use of water for livestock and poultry.

ARTICLE III

A. It is considered that no commission or administrative body is necessary to administer this Compact or divide the waters of the Yellowstone River Basin as between the States of Montana and North Dakota. The provisions of this Compact, as between the States of Wyoming and Montana, shall be administered by a commission composed of one representative from the State of Wyoming and one representative from the State of Montana, to be selected by the Governors of said states as such states may choose, and one representative selected by the Director of the United States Geological Survey or whatever Federal Agency may succeed to the functions and duties of that Agency, to be appointed by him at the request of the states to sit with the commission and who shall, when present, act as chairman of the commission without vote, except as herein provided.

Administration of compact as between states of Wyoming and Montana.

Salaries and expenses of state representatives. B. The salaries and necessary expenses of each state representative shall be paid by the respective state; all other expenses incident to the administration of this Compact not borne by the United States shall be allocated to and borne one-half by the State of Wyoming and one-half by the State of Montana.

Jurisdiction of the commission. C. In addition to other powers and duties herein conferred upon the commission and the members thereof, the jurisdiction of the commission shall include the collection, correlation, and presentation of factual data, the maintenance of records having a bearing upon the administration of this Compact, and recommendations to such states upon matters connected with the administration of this Compact, and the commission may employ such services and make such expenditures as reasonable and necessary within the limit of funds provided for that

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purpose by the respective states, and shall compile a report for each year ending September 30 and transmit it to the Governors of the signatory states on or before December 31 of each year.

Successors to the functions of federal officers with respect to this compact.

D. The Secretary of the Army; the Secretary of the Interior; the Secretary of Agriculture; the Chairman, Federal Power Commission; the Secretary of Commerce, or comparable officers of whatever Federal Agencies may succeed to the functions and duties of these Agencies, and such other Federal officers and officers of appropriate agencies of the signatory states having services or data useful or necessary to the Compact Commission, shall cooperate, ex-officio, with the commission in the execution of its duty in the collection, correlation, and publication of records and data necessary for the proper administration of the Compact; and these officers may perform such other services related to the Compact as may be mutually agreed upon with the commission.

Powers of commission — rules and regulations.

E. The commission shall have power to formulate rules and regulations and to perform any act which they may find necessary to carry out the provisions of this Compact, and to amend such rules and regulations. All such rules and regulations shall be filed in the office of the State Engineer of each of the signatory states for public inspection.

Disagreements— how decided.

F. In case of the failure of the representatives of Wyoming and Montana to unanimously agree on any matter necessary to the proper administration of this Compact, then the member selected by the Director of the United States Geological Survey shall have the right to vote upon the matters in disagreement and such points of disagreement shall then be decided by a majority vote of the representatives of the States of Wyoming and Montana and said member selected by the Director of the United States Geological Survey, each being entitled to one vote.

Commission may sue and be sued.

G. The commission herein authorized shall have power to sue and be sued in its official capacity in any Federal Court of the signatory states, and may adopt and use an official seal which shall be judicially noticed.

ARTICLE IV

The commission shall itself, or in conjunction with

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Water gaging stations.

other responsible agencies, cause to be established, maintained, and operated such suitable water gaging and evaporation stations as it finds necessary in connection with its duties.

ARTICLE V

Existing water rights.

A. Appropriative rights to the beneficial uses of the water of the Yellowstone River System existing in each signatory state as of January 1, 1950, shall continue to be enjoyed in accordance with the laws governing the acquisition and use of water under the doctrine of appropriation.

Allocation of unappropriated waters of interstate tributaries.

B. Of the unused and unappropriated waters of the interstate tributaries of the Yellowstone River as of January 1, 1950, there is allocated to each signatory state such quantity of that water as shall be necessary to provide supplemental water supplies for the rights described in Paragraph A of this Article V, such supplemental rights to be acquired and enjoyed in accordance with the laws governing the acquisition and use of water under the doctrine of appropriation, and the remainder of the unused and unappropriated water is allocated to each state for storage or direct diversions for beneficial use on new lands or for other purposes as follows:

1. CLARKS FORK, YELLOWSTONE RIVER

Clarks Fork.

a. To Wyoming 60%
To Montana 40%

b. The point of measurement shall be below the the last diversion from Clarks Fork above Rock Creek.

Big Horn River.

2. BIGHORN RIVER (EXCLUSIVE OF LITTLE BIGHORN RIVER)

a. To Wyoming 80%
To Montana 20%

b. The point of measurement shall be below the last diversion from the Bighorn River above its junction with the Yellowstone River, and the inflow of the Little Bighorn River shall be excluded from the quantity of water subject to allocation.

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3. TONGUE RIVER

Tongue River.

a. To Wyoming 40%
To Montana 60%

b. The point of measurement shall be below the last diversion from the Tongue River above its junction with the Yellowstone River.

4. POWDER RIVER (INCLUDING THE LITTLE POWDER RIVER)

Powder River.

a. To Wyoming 42%
To Montana 58%

b. The point of measurement shall be below the last diversion from the Powder River above its junction with the Yellowstone River.

C. The quantity of water subject to the percentage allocations, in Paragraph B 1, 2, 3 and 4 of this Article V, shall be determined on an annual water year basis measured from October 1st of any year through September 30th of the succeeding year. The quantity to which the percentage factors shall be applied through a given date in any water year shall be, in acre-feet, equal to the algebraic sum of:

Quantity of water subject to allocations, how determined.

1. The total diversions, in acre-feet, above the point of measurement, for irrigation, municipal, and industrial uses in Wyoming and Montana developed after January 1, 1950, during the period from October 1st to that given date;

2. The net change in storage, in acre-feet, in all reservoirs in Wyoming and Montana above the point of measurement completed subsequent to January 1, 1950, during the period from October 1st to that given date;

3. The net change in storage, in acre-feet, in existing reservoirs in Wyoming and Montana above the point of measurement, which is used for irrigation, municipal, and industrial purposes developed after January 1, 1950, during the period October 1st to that given date;

4. The quantity of water, in acre-feet, that passed the point of measurement in the stream during the period from October 1st to that given date.

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Existing water rights in Montana and North Dakota recognized.

D. All existing rights to the beneficial use of waters of the Yellowstone River in the States of Montana and North Dakota, below Intake, Montana, valid under the laws of these states as of January 1, 1950, are hereby recognized and shall be and remain unimpaired by this Compact. During the period May 1 to September 30, inclusive, of each year, lands within Montana and North Dakota shall be entitled to the beneficial use of the flow of waters of the Yellowstone River below Intake, Montana, on a proportionate basis of acreage irrigated. Waters of tributary streams, having their origin in either Montana or North Dakota, situated entirely in said espective states and flowing into the Yellowstone River below Intake, Montana, are allotted to the respective states in which situated.

Excluded from provisions of compact: stock water; surface water.

E. There are hereby excluded from the provisions of this Compact:

1. Existing and future domestic and stock water uses of water: Provided, that the capacity of any reservoir for stock water so excluded shall not exceed 20 acre-feet;

2. Devices and facilities for the control and regulation of surface waters.

Modifications of allocations may be recommended.

F. From time to time the Commission shall re-examine the allocations herein made and upon unanimous agreement may recommend modifications therein as are fair, just, and equitable, giving consideration among other factors to:

Priorities of water rights;
Acreage irrigated;
Acreage irrigable under existing works; and
Potentially irrigable lands.

ARTICLE VI

Construction of compact: rights of Indian tribes.

Nothing contained in this Compact shall be so construed or interpreted as to affect adversely any rights to the use of the waters of Yellowstone River and its tributaries owned by or for Indians, Indian tribes, and their reservations.

ARTICLE VII

A. A lower signatory state shall have the right, by compliance with the laws of an upper signatory state,

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except as to legislative consent, to file application for and receive permits to appropriate and use any waters in the Yellowstone River System not specifically apportioned to or appropriated by such upper state as provided in Article V; and to construct or participate in the construction and use of any dam, storage reservoir, or diversion works in such upper state for the purpose of conserving and regulating water that may be apportioned to or appropriated by the lower state: Provided, that such right is subject to the rights of the upper state to control, regulate, and use the water apportioned to and appropriated by it: And provided further, that should an upper state elect, it may share in the use of any such facilities constructed by a lower state to the extent of its reasonable needs upon assuming or guaranteeing payment of its proportionate share of the cost of the construction, operation, and maintenance. This provision shall apply with equal force and effect to an upper state in the circumstance of the necessity of the acquisition of rights by an upper state in a lower state.

Lower signatory state may apply for permits to use unallocated water.

Provisos.

B. Each claim hereafter initiated for an appropriation of water in one signatory state for use in another signatory state shall be filed in the office of the State Engineer of the signatory state in which the water is to be diverted, and a duplicate copy of the application or notice shall be filed in the office of the State Engineer of the signatory state in which the water is to be used.

Filing claims for appropriation of water for use in another state.

C. Appropriations may hereafter be adjudicated in the state in which the water is diverted, and where a portion or all of the lands irrigated are in another signatory state, such adjudications shall be confirmed in that state by the proper authority. Each adjudication is to conform with the laws of the state where the water is diverted and shall be recorded in the county and state where the water is used.

Adjudication of appropriations.

D. The use of water allocated under Article V of this Compact for projects constructed after the date of this Compact by the United States of America or any of its agencies or instrumentalities, shall be charged as a use by the state in which the use is made: Provided, that such use incident to the diversion, impounding, or conveyance of water in one state for use in another shall be charged to such latter state.

Use of water allocated hereafter — how charged.

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ARTICLE VIII

Asquisition by lower state of lands in upper state.

A lower signatory state shall have the right to acquire in an upper state by purchase, or through exercise of the power of eminent domain, such lands, easements, and rights-of-way for the construction, operation, and maintenance of pumping plants, storage reservoirs, canals, conduits, and appurtenant works as may be required for the enjoyment of the privileges granted herein to such lower state. This provision shall apply with equal force and effect to an upper state in the circumstance of the necessity of the acquisition of rights by an upper state in a lower state.

ARTICLE IX

Construction and operation of facilities of one state in another state.

Should any facilities be constructed by a lower signatory state in an upper signatory state under the provisions of Article VII, the construction, operation, repairs, and replacements of such facilities shall be subject to the laws of the upper state. This provision shall apply with equal force and effect to an upper state in the circumstance of the necessity of the acquisition of rights by an upper state in a lower state.

ARTICLE X

Unanimous consent required for diversion of water from Yellowstone River Basin.

No water shall be diverted from the Yellowstone River Basin without the unanimous consent of all the signatory states. In the event water from another river basin shall be imported into the Yellowstone River Basin or transferred from one tributary basin to another by the United States of America, Montana, North Dakota, or Wyoming, or any of them jointly, the state having the right to the use of such water shall be given proper credit therefor in determining its share of the water apportioned in accordance with Article V herein.

ARTICLE XI

Term of duration of compact.

The provisions of this Compact shall remain in full force and effect until amended in the same manner as it is required to be ratified to become operative as provided in Article XV.

ARTICLE XII

Termination of compact.

This Compact may be terminated at any time by unan-

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imous consent of the signatory states, and upon such termination all rights then established hereunder shall continue unimpaired.

ARTICLE XIII

Suits for protection rights of any state.

Nothing in this Compact shall be construed to limit or prevent any state from instituting or maintaining any action or proceeding, legal or equitable, in any Federal Court or the United States Supreme Court, for the protection of any right under this Compact or the enforcement of any of its provisions.

ARTICLE XIV

Compact not to be taken as precedent with respect to other interstate streams.

The physical and other conditions characteristic of the Yellowstone River and peculiar to the territory drained and served thereby and to the development thereof, have actuated the signatory states in the consummation of this Compact, and none of them, nor the United States of America by its consent and approval, concedes thereby the establishment of any general principle or precedent with respect to other interstate streams.

ARTICLE XV

Compact operative, when.

This Compact shall become operative when approved by the legislature of each of the signatory states and consented to and approved by the Congress of the United States.

ARTICLE XVI

Nothing in this Compact shall be deemed:

Construction of compact — limitations.

Sovereignty of the United States.

(a) To impair or affect the sovereignty or jurisdiction of the United States of America in or over the area of waters affected by such compact, any rights or powers of the United States of America, its Agencies, or instrumentalities, in and to the use of the waters of the Yellowstone River Basin nor its capacity to acquire rights in and to the use of said waters;

Property of the United States.

(b) To subject any property of the United States of America, its Agencies, or instrumentalities to taxation by any state or subdivision thereof, nor to create an obligation on the part of the United States of America, its Agencies, or instrumentalities, by reason of the acquisi-

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tion, construction, or operation of any property or works of whatsoever kind, to make any payments to any state or political subdivision thereof, state agency, municipality, or entity whatsoever in reimbursement for the loss of taxes;

Subjection of property of the United States to state laws.

(c) To subject any property of the United States of America, its Agencies, or instrumentalities, to the laws of any state to an extent other than the extent to which these laws would apply without regard to the Compact.

ARTICLE XVII

Severability of compact.

Should a court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of any signatory state or of the United States of America, all other severable provisions of this Compact shall continue in full force and effect.

ARTICLE XVIII

Jurisdiction of water apportioned in compact.

No sentence, phrase, or clause in this Compact or in any provision thereof, shall be construed or interpreted to divest any signatory state or any of the agencies of officers of such states of the jurisdiction of the water of each state as apportioned in this Compact.

Testimonium clause.

IN WITNESS WHEREOF the Commissioners have signed this Compact in quadruplicate original, one of which shall be filed in the Archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the Governor of each signatory state.

Done at the City of Billings in the State of Montana, this 8th day of December, in the year of Our Lord, One Thousand Nine Hundred and Fifty.

Commissioners for the State of Montana:

Fred E. Buck	/S/	Fred E. Buck
A. W. Bradshaw	/S/	A. W. Bradshaw
H. W. Bunston	/S/	H. W. Bunston
John Herzog	/S/	John Herzog
John M. Jarussi	/S/	John M. Jarussi
Ashton Jones	/S/	Ashton Jones

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Chris Josephson	/S/	Chris Josephson
A. Wallace Kingsbury	/S/	A. Wallace Kingsbury
P. F. Leonard	/S/	P. F. Leonard
Walter M. McLaughlin	/S/	Walter M. McLaughlin
Dave M. Manning	/S/	Dave M. Manning
Joseph Muggli	/S/	Joseph Muggli
Chester E. Onstad	/S/	Chester E. Onstad
Ed F. Parriott	/S/	Ed F. Parriott
R. R. Renne	/S/	R. R. Renne
Keith W. Trout	/S/	Keith W. Trout

Commissioners for the State of North Dakota:

I. A. Acker	/S/	I. A. Acker
Einar H. Dahl	/S/	Einar H. Dahl
J. J. Walsh	/S/	J. J. Walsh

Commissioners for the State of Wyoming:

L. C. Bishop	/S/	L. C. Bishop
Earl T. Bower	/S/	Earl T. Bower
J. Harold Cash	/S/	J. Harold Cash
Ben F. Cochrane	/S/	Ben F. Cochrane
Ernest J. Goppert	/S/	Ernest J. Goppert
Richard L. Greene	/S/	Richard L. Greene
E. C. Gwillim	/S/	E. C. Gwillim
E. J. Johnson	/S/	E. J. Johnson
Lee K. Keith	/S/	Lee K. Keith
N. V. Kurtz	/S/	N. V. Kurtz
Harry L. Littlefield	/S/	Harry L. Littlefield
R. E. McNally	/S/	R. E. McNally
Will G. Metz	/S/	Will G. Metz
Mark N. Partridge	/S/	Mark N. Partridge
Alonzo R. Shreve	/S/	Alonzo R. Shreve
Charles M. Smith	/S/	Charles M. Smith
Leonard F. Thornton	/S/	Leonard F. Thornton
M. B. Walker	/S/	M. B. Walker

"I have participated in the negotiation of this Compact and intend to report favorably thereon to the Congress of the United States."

/S/ R. J. Newell
R. J. Newell,
Representative of the
United States of America.

Section 2. Said Compact shall not be binding or obligatory upon any of the high contracting parties thereto

Legislative approval required.

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unless and until the same shall have been approved by the Legislature of each of the said states and by the Congress of the United States. The Governor of Montana shall give notice of the ratification and approval of said Compact by the Thirty-second Legislative Assembly of the State of Montana to the Governors of each of the remaining signatory states and to the President of the United States.

Approved February 13, 1951.

CHAPTER 40

An Act Amending Section 26-104, Revised Codes of Montana, 1947, by the Addition Thereto of One Sub-section, to Be Hereafter Known as 26-104(24), Revised Codes of Montana, 1947, Relating to the Power of the State Fish and Game Commission to Declare Certain Areas or Waters Closed to Fishing, Except by Juveniles.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 26-104, Rev. Codes, 1947, as amended.

Section 1. That Section 26-104 of the Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a sub-section, to be known as "Sub-section 24", to read as follows:

Fishing waters for exclusive use of juveniles.

(24) It shall have authority to declare certain fishing waters within the State of Montana closed to fishing by all persons, excepting therefrom that class of persons whose ages are twelve (12) years or less; it being the purpose of this section to provide suitable fishing waters for the exclusive use and enjoyment of juveniles of the age of twelve (12) years or less, at such times and in such areas as the State Fish and Game Commission shall in its discretion deem advisable and consistent with its policies relating to fishing in the State of Montana.

Approved February 15, 1951.

CHAPTER 41

An Act to Provide for the Acquisition and Operation of Temporary and Emergency War and Veterans' Housing Facilities by Local Agencies.

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Be it enacted by the Legislative Assembly of the State of Montana:

Declaration of housing shortage.

Section 1. It is hereby declared that there exists an housing shortage in the State of Montana. That of the hundreds of veterans dismissed from the military service, many of such veterans and other persons are still unable to find adequate housing for themselves or their families, and by reason thereof are being compelled to live in unsafe, unsanitary and congested dwellings. That by virtue of the "Housing Act of 1950", being "Title II, Chapter 94, Public Law 475 of the Laws of the Eighty-first Congress, Second Session," war and veterans housing projects constructed in the State of Montana by the Federal Government will be destroyed and removed unless otherwise provided for. That the adoption of this act will enable many veterans and their families to maintain their status in the community and conduct their employment without worry as to the health, sanitary conditions and welfare of their families.

Definitions.

Section 2. The following terms, whenever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Local Agency."

(1) "Local Agency" means any county, city, town, school district, or housing authority of the state.

"Housing."

(2) "Housing" means any temporary war or veterans' housing owned by the United States of America, available for acquisition under the terms and provisions of the Housing Act of 1950, being Title II, Chapter 94, Public Law 475, of the Laws of the Eighty-first Congress, Second Session, for the purpose of providing temporary housing for veterans and for families of servicemen, located within the boundaries of any local agency.

"Veterans."

(3) "Veterans" includes, insofar as permitted by federal law, any person who has served in the military or naval forces of the United States and has been discharged or released therefrom under conditions other than dishonorable.

"Families of servicemen."

(4) "Families of Servicemen" includes, insofar as permitted by federal law, the families of any person who is serving in the military or naval forces of the United States, and the unmarried widow of a deceased veteran.

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"Families." (5) "Families" is limited to the spouse and legal dependants who are members of the household.

Local agency may acquire housing available pursuant to Federal Public Housing Act of 1950. Section 3. For the purposes of this act, any local agency may expend or use its funds and employ its personnel to do anything necessary to acquire housing, as defined herein, available for acquisition under the terms of the Federal Public Housing Act of 1950, whether by purchase, lease, or otherwise; and may remodel, repair, or remove and re-erect such housing facilities, but shall not erect or construct new housing facilities. The local agency may also provide for the installation of necessary appurtenances and utilities. For the purposes of this act, any local agency may enter into agreements with the federal government pursuant to the Housing Act of 1950.

Administration of housing. Section 4. The local agency shall administer any housing facility acquired pursuant to this act and shall let or lease accommodations therein to veterans and families of servicemen upon such terms and for such rentals as is reasonable, but in such manner as to secure, insofar as practical, a return of the investments made by it; provided, however, that before any return of investments in such housing shall accrue to any housing authority there shall first be paid to any state and/or political subdivision thereof, annual sums in lieu of taxes which amounts so paid for any year, upon such property, shall not exceed the taxes which would be paid to the state and/or subdivision thereof, as the case may be, upon such property if it were not exempt from taxation, with such further allowances as may be considered to be appropriate for expenditures by the government for streets, utilities or other public services to serve such property.

Payments in lieu of taxes.

Housing for veterans not subject to Housing Authority law. Section 5. In providing housing for veterans and their families, single veterans, and families of servicemen, pursuant to the provisions of this act, a housing authority shall not be subject to any of the provisions of the Housing Authority Law relating to rentals and tenant selection.

Validation of certain prior proceedings. Section 6. Any and all contracts, undertakings, and commitments, together with acts and proceedings in respect thereto, heretofore done or undertaken by any local agency for the provisions of housing for veterans and their families or single veterans and families of servicemen are hereby validated and declared legal.

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Section 7. The operation and maintenance of any housing facility acquired pursuant to this act may be terminated at any time if consistent with the terms of the federal act under which it was acquired, or if the legislature determines that the necessity therefor no longer exists, but in no event shall such housing facility be operated and maintained by any local agency after the first day of May, 1955. Termination of operation of housing facility.

When any housing facility is discontinued, in whole or in part, it shall be liquidated in such manner as will secure the greatest return to the local agency; provided, however, that any lands acquired under this act may be retained by the local agency. Liquidation of housing facility.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 9. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 17, 1951.

CHAPTER 42

An Act to Amend Section 3-2004, of the Revised Codes of Montana, 1947, Relating to Registration Fee for Each Registered Brand or Formula of Commercial Feeds, Providing for the Distribution of Fees, and Providing for an Increase in the Annual Registration Fee.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3-2004, of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 3-2004, Rev. Codes, 1947.

"3-2004. **Fee Payable for Each Registered Brand or Formula — Disposition of Fee — Feed Sold in Bulk.** Each and every manufacturer, importer, jobber, firm, association, corporation, or person selling, or distributing any commercial feeds as defined in Section 3-2001 shall pay annually to the commissioner a registration fee of *Ten Dollars ($10.00)* for each brand or feed formula registered. *In the case of mixed feeds containing more than a total of ten percent (10%) of one or more mineral ingredients, or other unmixed materials used as mineral* Fee payable for registered brand or formula. Mixed feeds.

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Mineral feeds.

supplements, and in the case of mineral feeds, mixed or unmixed, which are manufactured, represented and sold for the primary purpose of correcting mineral deficiencies in rations for animals or poultry, and containing mineral ingredients generally regarded as dietary factors essential for normal nutrition, the annual registration fee shall be Fifteen Dollars ($15.00). Fees so collected shall constitute a fund for the payment of the cost of inspections, sampling, analyses, and other expenses necessary for putting into effect the provisions of this act. When feed is sold in bulk or in packages belonging to the purchaser, the manufacturer, importer, jobber, firm, association, corporation or person so selling shall furnish the purchaser with a card or cards upon which appears the statement required by the provisions of Section 3-2002.

Disposition of funds.

Feed mixed according to formula furnished by consumer.

The registration fee and tax as provided in this section shall not apply to any feed mixed according to a formula furnished by a consumer or purchaser nor to the grains furnished by the consumer or purchaser which may be ground for his own personal use. Any feed mixed to a formula furnished by a consumer or purchaser which finds general use in *the* community shall be registered as a brand and subject to all provisions of this act."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 43

An Act to Amend Section 90-201, Revised Codes of Montana, 1947, Relating to the Grades of Apples by Eliminating "Combination Fancy or Second Grade and 'C' "; and Substituting "Hail Grade" in Lieu of "XFFC" Grade and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 90-201, Rev. Codes, 1947.

Section 1. That Section 90-201 (4265.1), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 90-201. (4265.1) **Grades of Apples.** The

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standard grades of apples for the State of Montana shall be: 'Extra fancy or first grade', 'Fancy or second grade', 'C', 'Combination *grade'*, and *'Hail grade'*. Grades of apples.

(a) 'Extra fancy or first grade', shall consist of apples of one variety which are mature, hand picked, clean, well formed, sound, free from bruises, limbrubs, spray burns, sunburn, russeting, drought spot, hail marks, visible water-core, broken skin, apple scab, stings, and from diseases and insect injury, except that slight blemishes shall be permitted in this grade. "Extra fancy or first grades."

(b) 'Fancy or second grade' shall consist of apples of one variety which are mature, hand picked, clean, fairly well formed, sound, free from visible water-core, brokenskin, and from damage caused by bruises, limbrub, spray burns, sunburn, russeting, drought spot, hail marks, apple scabs, diseases and insect injury. "Fancy or second grade."

(c) 'C' grade shall consist of apples of one variety which are mature, hand picked, clean, not badly mis-shapen, sound, free from broken skin and from serious damage caused by bruises, limbrub, russeting, drought spot, hail marks, apple scab, diseases and insect injury, and must have fifteen per centum (15%) of color requirements characteristic of the variety. The word 'choice' must not be used in connection with this grade. "C grade."

(d) Cull apples shall consist of apples free from infection or disease or serious damage but which do not meet the requirements of extra fancy or first grade, fancy or second grade, or of 'C' grade and shall be marked in block letters not less than one inch in height on both ends of box 'culls'. "Cull apples."

(e) 'Combination *grade'*. When 'extra fancy or first grade' and 'fancy or second grade' apples are packed together, the boxes must be marked 'combination extra fancy or first grade and fancy or second grade'. *This* combination *grade* must contain at least twenty-five per centum (25%) of apples which belong to the higher grade in the combination. "Combination grade."

(f) *'Hail grade' shall meet all requirements of 'Extra fancy', 'Fancy grade' except hail marks. Such hail marks must not materially deform or disfigure the fruit or affect more than one-tenth (1/10) of the surface in the aggregate* "Hail grade."

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where skin has not been broken. Provided, that unhealed hail marks shall not be permitted and not more than an aggregate area of one-half (½) inch shall be allowed for well-healed hail marks where the skin has been broken.

Limitation as to size.

(g) No apples smaller than two and one-fourth (2¼) inches in diameter shall be permitted in any grade.

Shipment of small apples.

Small apples which are under size requirements as prescribed may be shipped if marked 'small' in block letters not less than one inch in height on both ends of box, provided such apples are free from insect pests and diseases.

Total defects of 10% tolerated.

(h) In order to provide for variations incident to commercial grading and handling a tolerance of ten per centum (10%) for a total of all defects from the standard of the grade shall be allowed."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 44

An Act Requiring the Recording by City, Town and County Clerks of Notice of Proceedings for the Installation of Special Improvements and Providing for the Effect of Failure to File Such Notice.

Be it enacted by the Legislative Assembly of the State of Montana:

Notice of resolution by city of intention to create special improvement district must be recorded.

Section 1. Whenever any city or town shall adopt a Resolution of Intention, pursuant to Section 11-2204, Revised Codes of Montana, 1947, or Section 11-2247, Revised Codes of Montana, 1947, to create a special improvement district, or whenever any city or town shall order a special improvement pursuant to Section 11-2226, Revised Codes of Montana, 1947, the City or Town Clerk shall, within *five (5) days* after the adoption of such resolution or making of such order, file for record in the office of the County Clerk and Recorder a notice signed by him, stating the date of the adoption of the resolution or the making of the order, the kind of improvement proposed, and a description of the land to be affected by the proposed improvement; and the County Clerk shall accept such notice

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and record the same without fee and without requiring the signature on such notice be acknowledged.

Resolution by county of intention to create special improvement district — Notice of must be recorded.

Section 2. Whenever any county shall adopt a Resolution of Intention, pursuant to Section 16-1602, Revised Codes of Montana, 1947, to create a special improvement district, the County Clerk shall within *five (5) days* thereafter file for record and record in his office a notice signed by him stating the date of the adoption of the resolution, the kind of improvement proposed, and a description of the land to be affected by the proposed improvement.

Failure to file notice not fatal to proceedings.

Section 3. Failure to file said notice as required shall not invalidate the proceedings of the city or town or county for the installation of said improvements.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 45

An Act to Amend Section 84-301 of the Revised Codes of Montana, 1947, Relating to Classification of Property for Taxation.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-301, Rev. Codes, 1947.

Section 1. That Section 84-301 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Classification of property for taxation.

"Section 84-301. **Classification of Property for Taxation.** For the purpose of taxation the taxable property in the state shall be classified as follows:

Class one.

"Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by Section 84-5403; also where the right to enter upon land to explore or prospect or dig for oil, gas, coal, or mineral is reserved in land by any person, or corporation, the surface title to which has passed to another, the assessor and the state and county boards of equalization shall determine the value of the right to enter upon said tract of land for the purpose of digging, exploring, or prospecting for gas, oil, coal, or minerals, and the same

Net proceeds of mines.

Reservation of minerals in lands.

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shall be placed in this classification for the purpose of taxation.

Class two.

"Class Two. All household goods and furniture, including clocks, musical instruments, sewing machines, wearing apparel of members of the family, and all personal property actually used by the owner for personal and domestic purposes, or for the furnishing or equipment of the family residence; all agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds, boats and all water craft, harness, saddlery and robes.

Household goods and personal property used by owner for domestic purposes.

Class three.

Livestock, merchandise.

"Class Three. Livestock, poultry *and the unprocessed products of both;* stocks of merchandise of all sorts, together with furniture and fixtures used therewith; and all office or hotel furniture and fixtures.

Class four.

Land and improvements.

"Class Four. All land, town and city lots, with improvements, manufacturing and mining machinery, fixtures and supplies, except as otherwise provided by the constitution of Montana.

Class five.

Moneys and credits.

"Class Five. (a) All moneys and credits, secured or unsecured, including all state, county, school district and other municipal bonds, warrants and securities, without any deduction or offset; provided, however, that the terms 'moneys and credits' as herein used shall not embrace the moneyed capital employed in the banking business by any banking corporation or individual in this state.

Property of co-operative rural electrical associations.

"(b) All poles, lines, transformers, transformer stations, meters, tools, improvements, machinery and other property used and owned by co-operative rural electrical associations organized under the laws of Montana.

Unprocessed agricultural products.

"(c) *All unprocessed agricultural products either on the farm or in storage irrespective of whether said products are owned by the elevator, warehouse or flour mill owner or company storing the same, or by any other person whomsoever, and excepting livestock and poultry and the unprocessed products of both.*

Class six.

"Class Six. The shares of stock of national banking association and the moneyed capital employed in conduct-

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ing a banking business by any other banking corporation, association or individual in this state. Such money ascertained by deducting from the moneys and credits of such banking corporation, association, or individual, the amount of the deposits and any indebtedness representing money borrowed for use in said business, and the value of the shares of any national banking association, to be ascertained by deducting the value of all real estate of such association.

Capital stock of national banking associations and moneyed capital employed in banking business.

"Class Seven. All property not included in the six preceding classes."

Class seven.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 20, 1951.

CHAPTER 46

An Act to Amend Chapter 1 of Title 76, Revised Codes of Montana, 1947, Relating to the Creation and Powers of the State Soil Conservation Committee and Soil Conservation Districts; to Add Thereto Provisions for Procedure for Changing the Names of Districts, for Dividing and Consolidating Districts; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 1 of Title 76, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be designated Section 76-117, Revised Codes of Montana, 1947, to read as follows:

Amendment of Chap. 1, Title 76, Rev. Codes, 1947.

"Section 76-117. **Change of District Name — Division and Consolidation of Districts.**

(1) Petitions for changing the name of a district organized under this act may be filed with the State Soil Conservation Committee. Any such petition shall be signed by a majority of the district supervisors and shall state the present name of the district and the proposed new name. If the committee determines that the proposed

Change of name of district, procedure for.

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new name is not identical with or so similar to that of any other district in the state as to lead to confusion or uncertainty, it shall present a statement of such determination to the secretary of state, who shall issue to the district a certificate, under the seal of the state, evidencing the change of name of the district. Upon the issuance of such certificate, the supervisors of the district shall cause due notice to be given of the change of the name of the district.

Division of district or consolidation of districts, procedure for.

(2) Petitions may be filed with the state committee for the division of any district or the combination of any two or more districts, or for the division of a district and the combination of any divided part thereof with any other district or part of a divided district. Any such petition shall be signed by at least twenty-five (25) occupiers of lands within each district to be affected by the proposed reorganization of territory set out in the petition. The committee shall prescribe the form for such petitions. Upon the filing of any such petition, the committee shall act upon it as nearly as may be practicable in accordance with the procedures prescribed in Section 76-105 for the organization of a district. Provided, that the committee shall make such provision in the referenda in connection with such proceedings that each land occupier voting therein shall have the opportunity to vote, (1) on the proposition of dividing the district within which his land is located, and (2) on the proposition of the creation of the new district in which his land will be located under the proposed combination of territory. After such referendum, the committee shall determine whether the proposed division, combination or division and combination of territory is administratively practicable and feasible. In making such determination the committee shall give due regard to the legislative determinations set forth in Section 76-102 and to the considerations enumerated in Section 76-105 relative to determining the practicability and feasibility of creating a district. Provided, that the committee shall not have authority to determine in favor of any such proposition unless a majority of the votes cast in the referendum upon the proposition, in each district to be affected, shall have been cast in favor thereof.

(3) If the committee shall determine that the proposed division or combination, or division and combination, of territory is administratively practicable and feasible, it

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shall appoint, for each new district to result from such reorganization of territory, two supervisors to act with three supervisors to be elected in accordance with the requirements set forth in Sections 75-106 and 75-107, as the governing body for such district. The requirements of Subsection F of Section 75-105, insofar as they may be made applicable, shall apply to applications for and the issuance of certificates of organization to such new districts. Any such new district will be deemed to be fully organized as a governmental subdivision of the state upon the issuance of a certificate of organization to it by the secretary of state, provided the original district or districts shall continue to exist and function within their original boundaries, until the supervisors for the resulting new district or districts shall have been appointed or elected and have qualified.

Supervisors for new district.

Certificate of organization.

Proviso.

(4) Upon the division of a district, the supervisors thereof shall allocate the property, rights and liabilities, including contractual obligations, of the district among the resulting parts of the district, giving due consideration to the proportionate size of each such divided part, the number of land occupiers and operating units and the degree and extent of soil erosion therein, and other relevant factors. A statement of such allocation shall be filed with the state committee within thirty (30) days after the notification of the committee's determination in favor of the division of the district. Upon the failure of the supervisors to make, or to agree upon, such allocation, it shall be made by the committee after such hearings as the committee may deem necessary, and with due regard for the standards set out in this paragraph for making such allocations. Upon a combination of districts or parts of districts, all of their property, rights, and liabilities shall be vested in the resulting new district. Any such new district, to which is assigned a contractual obligation of one of the original districts, shall be substituted for the original district as a party to such contract. Upon a division or combination of territory, all land use regulations in force and effect therein shall remain in force and effect in the territory for which enacted until repealed, amended, or supplemented by action of the governing body of the district within which such territory is located.

Allocation of property and liabilities.

Combination of districts—property and liabilities vest in the resulting new district.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1951.

CHAPTER 47

An Act to Amend Section 11-1832 of the Revised Codes of Montana, 1947, Relating to a Minimum Wage to Be Paid Police Officers in Cities of the First and Second Class; Providing the Amount of Such Minimum Wage; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 11-1832, Rev. Codes, 1947.

Section 1. That Section 11-1832 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Minimum wage of police in cities of first and second class.

"11-1832. (5108.16) **Minimum Wage of Police in First and Second Class Cities.** That from and after *July 1, 1951,* there shall be paid to each *duly confirmed* member of the police department of cities of the first and second class of the State of Montana, a minimum wage, for a daily service of eight (8) consecutive hours' work, of at least two hundred *eighty* dollars ($280.00) per month for the first year of service, and thereafter of at least two hundred *eighty* dollars ($280.00) per month plus one ($1.00) dollar per month for each additional year of service up to and including the tenth year of such additional service."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 48

An Act to Amend Section 92-701, 92-702, 92-703, 92-704 and 92-709 of the Revised Codes of Montana of 1947 as Amended by Chapter 7 of the Session Laws of the State

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of Montana of 1949 All Relating to Compensation for Injuries to Workmen by Increasing Compensation in Cases of: Temporary, Total, and Total-partial Disabilities, for Injuries Causing Death, and for Specified Injuries.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 92-701, Rev. Codes, 1947, as amended.

Section 1. That Section 92-701 of the Revised Codes of the State of Montana of 1947 as amended by Chapter 7 of the Session Laws of the State of Montana of 1949, be, and the same is hereby amended to read as follows:

Compensation for injury producing total disability.

"Section 92-701. **Compensation for Injury Producing Temporary Total Disability. For An Injury Producing Temporary Total Disability.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-one and 50/100 dollars ($21.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States, who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to the maximum compensation of *twenty-three and 50/100 dollars ($23.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars ($24.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to the maximum compensation of *twenty-five and 50/100 dollars ($25.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the

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weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where the injured employee has a wife and four or more children, or five or more children residing in the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-seven and 50/100 dollars ($27.50)* per week, and subject in all cases to a minimum compensation of *fourteen and 50/100 dollars ($14.50)* per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding three hundred (300) weeks from the date of injury."

Amendment of Sec. 92-702, Rev. Codes, 1947, as amended.

Section 2. That Section 92-702 of the Revised Codes of the State of Montana of 1947 as amended by Chapter 7 of the Session Laws of the State of Montana of 1949, be, and the same is hereby amended to read as follows:

Compensation for injury total disability permanent in character.

"Section 92-702. **Compensation for Injury Producing Total Disability Permanent in Character. For an Injury Producing Total Disability Permanent in Character.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-one and 50/100 dollars ($21.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-three and 50/100 dollars ($23.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters, residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars ($24.50)* per week; where the injured employee has a wife

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and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-five and 50/100 dollars ($25.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where the injured employee has a wife and four children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-seven and 50/100 dollars ($27.50)* per week; and subject in all cases to a minimum compensation of *fourteen and 50/100 dollars ($14.50)* per week; and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding five hundred (500) weeks from the date of injury."

Amendment of Sec. 92-703, Rev. Codes, 1947, as amended.

Section 3. That Section 92-703 of the Revised Codes of the State of Montana of 1947, as amended by Chapter 7 of the Session Laws of the State of Montana of 1949, be, and the same is hereby amended to read as follows:

For partial disability.

"Section 92-703. **For Partial Disability — For An Injury Producing Partial Disability.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-one and 50/100 dollars ($21.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the difference between the wages received at the time of the injury and the wages that such injured

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employee is able to earn thereafter, subject to a maximum compensation of *twenty-three and 50/100 dollars ($23.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-four and 50/100 dollars ($24.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-five and 50/100 dollars ($25.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-seven and 50/100 dollars ($27.50) per week;* not exceeding, however, the maximum compensation allowed in cases of total disability, and not exceeding the total compensation provided in this act for the total loss of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding, however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents decreases."

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Amendment of Sec. 92-704, Rev. Codes, 1947, as amended.

Section 4. That Section 92-704 of the Revised Codes of the State of Montana of 1947, as amended by Chapter 7 of the Session Laws of the State of Montana of 1949, be, and the same is hereby amended to read as follows:

Compensation for injury causing death.

"Section 92-704. **Compensation for Injury Causing Death.** For beneficiaries residing within the United States. Where decedent leaves one beneficiary, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-one and 50/100 dollars ($21.50)* per week; where decedent leaves two beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-three and 50/100 dollars ($23.50)* per week; where decedent leaves three beneficiaries, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars ($24.50)* per week; where decedent leaves four beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-five and 50/100 dollars ($25.50)* per week; where decedent leaves five beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where decedent leaves six or more beneficiaries, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-seven and 50/100 dollars ($27.50)* per week; and subject in all such cases to a minimum compensation of *fourteen and 50/100 dollars ($14.50)* per week.

For beneficiaries residing outside of the United States.

For beneficiaries residing outside of the United States. Where decedent leaves one beneficiary, forty per centum (40%) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two beneficiaries, forty-five per centum (45%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves three beneficiaries, forty-seven and one-half per centum (47½%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four or more beneficiaries, fifty per centum (50%) of the

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compensation which would be payable to such beneficiaries, if residing within the United States.

Compensation to dependents — if no beneficiaries are left.

If decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date happening of the injury; where decedent leaves one major dependent, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-one and 50/100 dollars ($21.50)* per week; where decedent leaves two major dependents, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-three and 50/100 dollars ($23.50)* per week.

If the decedent leaves no major dependents, compensation shall be payable to his minor dependents, if any, if residing within the United States at the time of the happening of the injury, as follows: Where decedent leaves one minor dependent, thirty per centum (30%) of the wages received at the time of the injury; where decedent leaves two minor dependents, thirty-five per centum (35%) of the wages received at the time of the injury; where decedent leaves three or more minor dependents, forty per centum (40%) of the wages received at the time of the injury.

All such payments of compensation provided for in this section shall be subject to a maximum compensation of *twenty-seven and 50/100 dollars ($27.50)* per week for a period not exceeding five hundred (500) weeks and subject to change when the number of beneficiaries or dependents decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of the dependency."

Amendment of Sec. 92-709, Rev. Codes, 1947, as amended.

Section 5. That Section 92-709 of the Revised Codes of the State of Montana of 1947, as amended by Chapter 7 of the Session Laws of the State of Montana of 1949, be, and the same is hereby amended to read as follows:

Compensation in case of specified injuries.

"Section 92-709. **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation provided by this act, shall be as follows: Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to

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compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-one and 50/100 dollars ($21.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-three and 50/100 dollars ($23.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars ($24.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-five and 50/100 dollars ($25.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-seven and 50/100 dollars ($27.50)* per week, subject to change when the number of beneficiaries or dependents decreases, and subject in all cases to a minimum compensation of *fourteen and 50/100 dollars ($14.50)* per week, and shall be paid for the following periods:

For loss of:

One arm at or near shoulder	250 weeks
One arm at the elbow	225 weeks

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One arm between wrist and elbow	200 weeks
One hand	187 weeks
One thumb and the metacarpal bone thereof	75 weeks
One thumb at the proximal joint	37 weeks
One thumb at the second distal joint	25 weeks
One first finger and the metacarpal bone thereof	37 weeks
One first finger at the proximal joint	25 weeks
One first finger at the second joint	18 weeks
One first finger at the distal joint	12 weeks
One second finger and the metacarpal bone thereof	37 weeks
One second finger at the proximal joint	18 weeks
One second finger at the second joint	12 weeks
One second finger at the distal joint	6 weeks
One third finger and the metacarpal bone thereof	25 weeks
One third finger at the proximal joint	15 weeks
One third finger at the second joint	10 weeks
One third finger at the distal joint	5 weeks
One fourth finger and the metacarpal bone thereof	15 weeks
One fourth finger at the proximal joint	11 weeks
One fourth finger at the second joint	7 weeks
One fourth finger at the distal joint	4 weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	250 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	187 weeks
One leg between knee and ankle	175 weeks
One foot at the ankle	156 weeks
One great toe with the metatarsal bone thereof	37 weeks
One great toe at the proximal joint	18 weeks
One great toe at the second joint	12 weeks
One toe other than the great toe with the metatarsal bone thereof	15 weeks
One toe other than the great toe at the proximal joint	7 weeks
One toe other than the great toe at second or distal joint	4 weeks
One eye by enucleation	150 weeks
Total blindness of one eye	125 weeks

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Total loss of hearing, one ear ..... 25 weeks
Total loss of hearing, both ears ..... 150 weeks

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in one accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby; provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services."

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 49

An Act to Amend Section 93-1906 of the Revised Codes of Montana of 1947, Relating to Salary and Expenses of Stenographer, Apportionment Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 93-1906, Rev. Codes, 1947.

Section 1. That Section 93-1906 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Salary and expenses of stenographer.

"93-1906. (8933) **Salary and Expenses of Stenographer — Apportionment.** Every stenographer appointed under the provisions of this chapter receives an annual salary of *four thousand two hundred dollars ($4200.00),* and no other compensation except as provided in Section 93-1904, payable in monthly installments out of the general funds of the counties comprising the district for which he is appointed, according and in proportion to the number of civil and criminal actions entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year,

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Apportionment of amount.

or as soon after as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The stenographer is allowed, in addition to the salary and fees above provided, in judicial districts comprising more than one county, his actual and necessary expenses of transportation and living when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be apportioned and payable in the same way as the salary."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 50

An Act Requiring Every Person, Firm, Association, Joint-stock Company and Corporation Engaged in or Carrying on the Business of Mining Ore Containing Vermiculite, Perlite, Kerrite, Maconite or Any Other Micaceous Minerals or Hydrous Silicates or Engaged in Working or Operating Any Mine or Mining Property in the State of Montana From Which Such Minerals Are Mined, Produced or Extracted, to Pay to the State Board of Equalization for Engaging in and Carrying On Such Business, Certain License Taxes for the Exclusive Use and Benefit of the State of Montana; Fixing the Amount of Such License Taxes; Prescribing a Method for the Assessment and Collection Thereof; and Prescribing Penalties for Violations of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

"Person" — definition of.

Section 1. The term "person" as used in this act, shall mean and include any individual, firm, copartnership, and every corporation, joint-stock company and association.

Section 2. Every person engaged in or carrying on the business of working or operating any mine or mining property in the State of Montana from which vermiculite, perlite, kerrite, maconite or any other micaceous minerals or hydrous silicates are mined, extracted or produced, must,

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for the year 1951 and each year thereafter, when engaged in or carrying on such business in this state, pay to the State Board of Equalization, for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business, in an amount equal to five (5) cents per ton of two thousand (2,000) pounds for each and every ton of concentrates mined, extracted or produced by such person during such year.

License tax required of persons carrying on business of mining vermiculite and other micaceous minerals or hydrous silicates.

Amount of tax.

Section 3. Such annual license tax as imposed by section 2 of this act shall be paid in quarterly installments for the quarters ending, respectively, March thirty-first, June thirtieth, September thirtieth and December thirty-first of each year, beginning with the quarter ending March 31, 1951, and the amount of such license tax due for each such quarter shall be paid to the State Board of Equalization within thirty (30) days after the end of each of such quarter.

Tax payable quarterly.

Section 4. Each and every person engaged in or carrying on the business specified in section 2 of this act, must, at the date when this act becomes effective, but not later than thirty (30) days thereafter, and every person who shall, after the date this act becomes effective, engage in such business, must immediately upon engaging therein, file with the State Board of Equalization a certificate and statement on forms prescribed by the State Board of Equalization, which shall contain the name under which such person is engaging in and carrying on such business within this state, giving the name of the place or places of business or location of plants within this state; the name and address of the managing agent in this state if a corporation, joint-stock company or association; or if a firm or copartnership, the names and addresses of the persons composing the same; if an association, joint-stock company or corporation, under the laws of what state organized, its principal officers; and such other information as the State Board of Equalization may deem necessary.

Certificate or statement required of taxpayer.

Contents of

Section 5. Every such person shall keep a record in such form as the State Board of Equalization may require of all such products mined or produced by him in this state. Such records shall at all times during the business hours of the day be subject to inspection by the State Board of Equalization, its members, agents or employees.

Duty to keep record.

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Contents of record.

Section 6. Each and every person must, within thirty (30) days after the quarter ending March 31, 1951, and within thirty (30) days after the end of each following quarter, make out, on forms prescribed by the State Board of Equalization, and deliver to the State Board of Equalization, a statement showing the total number of tons of concentrates of vermiculite, perlite, kerrite, maconite or any other micaceous minerals or hydrous silicates mined or produced by such person, during each month of such quarter and during the whole quarter, and such other information as said board may require, together with the total amount due to the state as license taxes for such quarter; and must, within such thirty (30) days, and at the same time such statement is delivered to the State Board of Equalization, pay to the State Board of Equalization the amount of the license taxes shown by such statement to be due to the State of Montana for the quarter for which such statement is made. Such statement must be signed and verified by the oath of the individual or individuals, or by the president, vice-president, treasurer, assistant treasurer or managing agent in this state of the association, corporation or joint-stock company making the same. Any such person engaged in carrying on such business at more than one place or operating more than one mine in this state, may include all thereof in one statement.

If taxpayer fails to file statement, taxes shall be fixed by State Board of Equalization.

Penalty.

Interest.

Section 7. If any person shall fail, neglect or refuse to file any statement required by section 6 of this act within the time required, or shall fail to pay the tax required by this act on or before the date such payment is due, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself as best it may regarding the amount produced by such person within this state during such quarter, and during each month thereof, and shall determine and fix the amount of the license taxes due to the state from such person for such quarter, and shall make out a statement, showing the same, and shall add to the amount of such license taxes, a penalty of twenty-five per cent (25%) thereof and deliver such statement to the attorney general, who shall proceed to collect the amount of the license taxes, with the penalty added thereto and interest on the whole thereof at the rate of twelve per cent (12%) per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon request of the State

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Board of Equalization, it shall be the duty of the attorney general to commence and prosecute to final determination in any court of competent jurisdiction, an action at law to recover the same.

Duty of Attorney General.

Section 8. All license taxes collected under the provisions of this act shall be deposited to the credit of the general fund of the state.

Taxes to be credited to general fund of the state.

Section 9. Any violation of any of the provisions of this act shall be deemed a misdemeanor, and shall be punished by a fine not exceeding five hundred ($500.00) dollars, or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

Penalty for violation of Act.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing class.

Section 11. This act is expressly declared to be retroactive to January 1, 1951, and shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 20, 1951.

CHAPTER 51

An Act to Amend Section 11-1932 of the Revised Codes of Montana of 1947, Providing for Minimum Compensation for Duly Appointed and Confirmed Members of Paid Fire Departments of Cities and Towns of the First or Second Class, and Providing for the Repeal of Acts Insofar As They Are in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-1932 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 11-1932, Rev. Codes, 1947.

"Section 11-1932. From and after July 1, *1951,* there shall be paid to each *duly appointed and confirmed* member of the fire department of cities or towns of the first or second class of the State of Montana a minimum wage for a daily service of eight (8) consecutive hours work of at least two hundred *eighty* dollars ($2*80*.00) per month together with the sum of one dollar ($1.00) per month additional per year for each year not exceeding ten *(10)* years

Minimum salary of members of fire department of first or second class cities.

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that such member shall have served on such fire department of such city or town."

Repealing clause.

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 52

An Act to Amend Section 84-1801 of the Revised Codes of Montana of 1947, Defining Terms Used in the Gasoline License Tax Law.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-1801, Rev. Codes, 1947.

Section 1. That Section 84-1801 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Definitions.

"Section 84-1801. **Definitions.** As used in this act, the following definitions shall apply:

"Gasoline."

(1) The word 'gasoline' means:

(a) The volatile substance produced from petroleum, natural gas, oil shales or coal heretofore sold under the name of 'gasoline', and sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

(b) Any other volatile product or substance of not less than forty-six degrees (46°) Taglianbes-Baume test sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

(c) Any other volatile substance, or less than forty-six degrees (46°) Taglianbes-Baume test, when actually sold or used to produce motor power to propel motor vehicles upon public highways or streets within the State of Montana; provided that the lawful tax on the kind of gasoline as defined by this subsection (1-c) shall be collected from the owners or operators of motor vehicles by the State Board of Equalization under the provisions of rules and regulations issued by said board.

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(2) The word 'person' means any person, firm, association, joint stock company, syndicate or corporation. "Person."

(3) The words 'motor vehicle' mean all vehicles operated or propelled upon the public highways or streets of this state, in whole or in part by the combustion of gasoline. "Motor vehicle."

(4) The word 'use' shall include and mean the operation of motor vehicles upon the public roads or highways of the State of Montana, or of any political subdivision thereof. "Use."

(5) The word 'import' shall include and mean to receive into any person's possession or custody first after its arrival and coming to rest at destination within the State of Montana of any gasoline shipped or transported into this state from point of origin without this state. "Import."

(6) The word 'handle' means to produce, refine, manufacture or compound gasoline *for sale or use;* or to import gasoline into the State of Montana or to purchase gasoline within the State of Montana for sale or for use, upon which the license tax herein imposed has not been paid. "Handle."

(7) The word 'dealer' means and includes any person who engages in the business in the State of Montana of producing, refining, manufacturing or compounding gasoline *for sale or use;* or of importing gasoline into the State of Montana or purchasing gasoline within the State of Montana for sale or use. Such gasoline, for the purpose of this act, shall be deemed to be 'handled' by such dealer.'' "Dealer."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after April 1, 1951. Effective date.

Approved February 20, 1951.

CHAPTER 53

An Act to Amend Section 82-1519, Revised Codes of Montana, 1947, Relating to the Compensation of the Chairman and Officers of the State Board of Hail Insurance, Providing for an Annual Financial Report, Increasing the Salary of the Chairman.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 82-1519, Rev. Codes, 1947.

Section 1. That Section 82-1519, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 82-1519 (363). It shall be the duty of all public officers to perform the duties relative to hail insurance under this act, without other compensation than that allowed by law. The Chairman of the State Board of Hail Insurance shall receive a salary of *three hundred dollars ($300.00)* per month while actually engaged in service and actual traveling expenses, and all appointed officers under this act shall be paid their actual traveling expenses and shall be allowed such per diem as the State Board of Hail Insurance may determine for each day of eight hours while actually engaged in service under this act, out of the Hail Insurance Administrative Fund.

Salary of chairman of State Board of Hail Insurance.

Annual financial report.

"The Chairman of the State Board of Hail Insurance shall each year submit a full financial report of the operations of the department to the Governor of the State."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1951.

CHAPTER 54

An Act to Amend Section 91-3901, Revised Codes of Montana, 1947, Relating to Distribution of Estate — How Made and to Whom, Providing for Proof of Reciprocity, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 91-3901, Rev. Codes, 1947.

Section 1. That Section 91-3901, Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

"91-3901. **Distribution of Estate — How Made and to Whom.**

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"1. Upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or any heir, legatee, or devisee, the court or judge must proceed to distribute the residue of the estate in the hands of the executor or administrator, if any, among the persons who by law are entitled thereto; and if the decedent has left a surviving child, and the issue of other children, and any of them, before the close of the administration, have died while under age and not having been married, no administration on such deceased child's estate is necessary, but all the estate which such deceased child was entitled to be inheritance must, without administration, be distributed to the other heirs at law; provided, that whenever it appears any of the persons claiming to be heirs, or claiming a right to share in said estate, are nonresidents of the United States, then a proceeding to determine their rights shall be held under the provisions and as provided for in the three preceding sections with reference to the determination of heirship.

Distribution of residue of estate.

Determination of heirship.

"2. Whenever all the heirs or devisees of any estate who are residents of the United States shall agree that any nonresident of the United States is a lawful heir or devisee of said estate and is lawfully entitled to share therein, said agreement may be reduced to writing and filed with the clerk of the court in the matter of said estate, and thereafter it shall not be necessary for any such nonresident heir or devisee to institute any proceedings to determine his rights of heirship.

Agreement as to rights nonresident heir or devisee.

"3. *The provisions of subdivision 2 shall dispense with the proceedings provided for by Section 91-3801, insofar as such section relates to establishing heirship, but shall not dispense with the necessity of establishing proof of reciprocity as required in estates in which nonresident aliens are claiming as heirs, legatees and/or devisees.*

Proof of reciprocity required.

"4. A statement of any receipts and disbursements of the executor or administrator, since the rendition of his final accounts, must be reported and filed at the time of making such distribution; and a settlement thereof, together with an estimate of the expenses of closing the estate, must be made by the court or judge, and included in the order; or the court or judge may order notice of the

Receipts and disbursements since rendition of final account.

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settlement of such supplementary account, and refer the same as in other cases of the settlement of accounts."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 55

An Act to Amend Section 24-138 of the Revised Codes of Montana, 1947, Relating to the Duties of Owners of Poles and Wires Upon Notice Being Given by Any Person, Firm or Corporation of Intention to Move Any House, Building, Derrick or Other Structure, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 24-138 Rev. Codes, 1947.

Section 1. That Section 24-138 of the Revised Codes of Montana, 1947, relating to the duties of owners of poles and wires upon notice being given by any person, firm or corporation of intention to move any house, building, derrick or other structure, be, and the same is hereby amended to read as follows, to-wit:

Duties of the owners in such case.

"Section 24-138. **Duties of the Owner in Such Case.** It shall then be the duty of any person, firm or corporation owning or operating said poles or wires after service of notice, as required by Section 24-137, to furnish competent workmen or linemen to remove such poles, or raise or cut such wires as will be necessary to facilitate removing such house, building, derrick or other structure.

Poles or wires may be cut by house mover, when.

"No person, firm or corporation engaged in moving any house, building, derrick or other structure shall raise, cut, or in any way interfere with any such poles or wires, unless the persons or authorities owning or having control of the same shall refuse so to do after having been notified, as required by Section 24-137; then, only competent and experienced workmen or linemen shall be employed in such work, and in such case the necessary and reasonable expense shall be paid by the owners of the poles and wires handled, and the work shall be done in a careful and workmanlike manner, and the said poles and wires shall be

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promptly replaced and the damages thereto promptly repaired.

"Provided, however, that any person, firm or corporation engaged in moving such structure within the limits of any city or town shall pay all necessary and reasonable expense of raising or cutting such wires or removing such poles."

Expense payable by person moving structure.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective dates.

Approved February 20, 1951.

CHAPTER 56

An Act to Amend Section 93-601-2 of the Revised Codes of Montana, 1947, Providing That Certain Persons Connected With Newspapers, Press Associations, Radio Broadcasting Stations and Television Stations Shall Not Be Required to Disclose Source of Information Obtained by Such Persons in the Course of Their Employment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 93-601-2 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 93-601-2 Rev. Codes, 1947.

"Section 93-601-2. **Disclosure of Source of Information — When Not Required.** No persons engaged in the work of, or connected with or employed by any newspaper or any press association, *or any radio broadcasting station, or any television station* for the purpose of gathering, procuring, compiling, editing, disseminating, *publishing, boardcasting or televising* news shall be required to disclose the source of any information procured or obtained by such person in the course of his employment, in any legal proceeding, trial or investigation before any court, grand jury or petit jury, or any officer thereof, before the presiding officer of any tribunal, or his agent or agents, or before any commission, department, division or bureau

When disclosure of source of information may not be required of certain persons.

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of the state, or before any county or municipal body, officer or committee thereof."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

CHAPTER 57

An Act to Amend Section 84-5403 of the Revised Codes of Montana, 1947, Relating to the Computation of the Net Proceeds Tax on Mining Operations by Providing That Moneys Expended by Mine Operators for Payments to Miners' Welfare and Retirement Funds When Provided for in Wage Contracts Between Operators and Employees Shall Be Included Among the Costs to Be Computed in Determining Net Proceeds of Operations.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-5403, Rev. Codes, 1947.

Section 1. That Section 84-5403 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Net proceeds — how computed.

"Section 84-5403. **Net Proceeds — How Computed.** The State Board of Equalization shall calculate and compute from said returns the gross product yielded from such mine, and its gross value in dollars and cents for the year preceding the first day of January, and also shall calculate and compute the net proceeds in dollars and cents of said mine yielded to such person, corporation or association so engaged in mining which said net proceeds shall be ascertained and determined by subtracting from the value in dollars and cents of the gross product thereof the following, to-wit:

"1. All royalty paid or apportioned in cash or in kind by the person, corporation or association so engaged in mining.

"2. All moneys expended for necessary labor, machinery and supplies needed and used in the mining operations and developments.

"3. All moneys expended for improvement, repairs

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and betterments necessary in and about the workings of the mine.

"4. All moneys expended for costs of repairs and replacements of the milling and reduction works used in connection with the mine.

"5. Depreciation in the sum of six percent (6%) of the assessed valuation of such milling and reduction works for the calendar year for which such return is made.

"6. All moneys expended for transporting the ores, and mineral products or deposits from the mines to the mill or reduction works or to the place of sale, and for extracting the metals and minerals therefrom, and for marketing the product and the conversion of the same into money.

"7. All moneys expended for fire insurance and workman's compensation insurance, *and for payments by mine operators to welfare and retirement funds when provided for in wage contracts between mine operators and employees.*

Moneys to be excluded from expenditures.

"No moneys invested in the mines and improvements during any year, except the year for which such statement is made, shall be included in such expenditures; and such expenditures shall not include the salaries or any portion thereof, of any person or officer not actually engaged in the working of the mine or superintending the management thereof."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after passage and approval.

Approved February 20, 1951.

CHAPTER 58

An Act to Amend Section 26-107, Revised Codes of Montana, 1947, Providing for Appointments of Deputy Fish and Game Wardens by Removing the Limitation on the Number Employed and Repealing All Acts or Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 26-107, Rev. Codes, 1947.

Section 1. That Section 26-107, Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Deputy fish and game wardens — appointment, duties, removal.

"26-107. **Deputy Fish and Game Wardens — Appointments.** The state fish and game warden, by and with the consent and approval of the commission, shall have power to employ, and appoint a *sufficient number of deputy fish and game wardens* for the proper enforcement of the fish and game laws of the state, or for such purposes as the warden may direct, who shall be peace officers and hold their offices for such time as the warden may direct, and who may be removed from office by said warden at any time for cause, after due hearing before said commission. The said commission shall assign to each deputy state fish and game warden, appointed or employed, the territory or district in which he is to perform his duties and work, which may be changed at any time by said commission. Said deputy fish and game wardens shall perform their duties at the direction of, and subject to the supervision and control of the state fish and game warden; provided, however, the commission may employ for a limited period of time, special deputy game wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said commission for the limited time for which they are employed."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith hereby are repealed.

Approved February 20, 1951.

CHAPTER 59

An Act to Amend Section 16-1709 of the Revised Codes of Montana, 1947, Relating to Creation of Weed Control and Weed Seed Extermination Districts, and Providing for the Contents of the Petition for the Establishment of Such Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 16-1709 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 16-1709, Rev. Codes, 1947.

"16-1709. **Creation of Weed Control and Weed Seed Extermination Districts.** When a petition signed by twenty-five per cent (25%) of the freeholders of any proposed district, outside of any incorporated town or city of the county, is presented to the commissioners of such county, asking for the creation of a weed control and weed seed extermination district, the commissioners shall set a day for a hearing of the same and order notice thereof to be given to all persons interested as hereinafter provided. Said petition shall set forth the boundaries of the *proposed* district, *the approximate number of acres in the proposed district, and shall contain a list of all known land owners within the proposed district, together with the addresses of such land owners, if known.*"

Creation of weed control and weed seed extermination districts.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 20, 1951.

CHAPTER 60

An Act to Amend Section 16-1710 of the Revised Codes of Montana, 1947, Relating to Notice of Hearing of Petition for Creation of Weed Control and Weed Seed Extermination Districts, and Providing for the Manner of Such Notice.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16-1710 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 16-1710, Rev. Codes, 1947.

"16-1710. **Notice of Hearing.** Notice of such hearing shall be mailed to each landowner within the proposed district at his last known address. *Either* the address of the landowner as set forth in the conveyance by which he secured title, provided such conveyance contains his

Notice of hearing.

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address, *or the address of the landowner as it appears on the last completed assessment roll within the county,* shall be deemed his last known address, unless by affidavit it shall appear that the landowner has another address. If no known address appears, service shall be deemed complete upon publication as hereinafter provided for. Such notice shall also be posted in three public places within the district and be published in the newspaper published nearest the district for two weekly issues, and such posting, mailing and first publication shall be at least ten (10) days before the date of hearing."

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. That this act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1951.

CHAPTER 61

An Act to Amend Section 81-1704 of the Revised Codes of Montana, 1947, Relating to Royalty Payable Under Oil and Gas Leases Payable to the State of Montana, to Provide for the Reservation to the State of a Fixed Royalty.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 81-1704, Rev. Codes, 1947.

Section 1. That Section 81-1704 of the Revised Codes of Montana, 1947, be, and it is hereby amended to read as follows:

Reservation to the state of royalty in oil and gas leases on state lands.

"81-1704. In every oil and gas lease granted by the state there shall be reserved to the state as consideration therefor, in addition to the rentals as hereinbefore provided, a royalty in all oil and gas produced and saved from all lands covered thereby, and not used for light, fuel, and operation purposes on the leased premises, which shall be equivalent to the full market value, as ascertained by the state board of land commissioners at the date of such lease, of the estate or interest of the state in the lands and oil and gas deposits disposed of under such lease; provided that such royalty reservation shall be twelve and one-half per centum (12½%) *on gas, and twelve and*

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one-half per centum (12½%) on that portion of the average production of oil or casing-head gasoline for each producing well not exceeding 3000 barrels for the calendar month. Such lease shall provide for the rendering of payment of such royalty in the following manner and upon the following terms:

Payment of royalty.

"The lessee shall pay to the state, in cash, for all oil and gas royalty reserved, the posted field price existing on the day such oil or gas is run into any pipe line or storage tank to the cerdit of the lessee, plus any bonus actually paid, or agreed to be paid, to the lessee, for such oil or gas; or, at the option of the state, exercised in writing by the State Board of Land Commissioners not oftener than every thirty (30) days, the lessee shall deliver the state's royalty oil or gas free of cost or deductions, into the pipe line to which the wells of the lessee may be connected or into any storage designated by the state and connected with such wells."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in force and effect from and after its passage and approval.

Approved February 21, 1951.

CHAPTER 62

An Act Amending Section 81-2118 of the Revised Codes of Montana of 1947, Relating to the Enabling of the State to Accept an Offer of the United States Made by an Act of Congress, in Relation to Arid Lands, Commonly Known as the Carey Act, Approved August the Eighteenth, 1894, and the Amendments Thereto, Making Water Rights Appurtenant to the Land Reclaimed, Granting the Contractor Constructing Work for Reclaiming Such Lands a Lien Upon the Same and the Water Right Appurtenant Thereto for the Purchase Price of Such Water Right and Providing for the Foreclosure and Redemption of the Same, Providing for the Duties of the Sheriff in Connection Therewith, Providing for the Rights and Duties of the Lien-holder and the Method of Sale of Said Land and Water Right by the

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Lien-holder in the Event the Lien-holder Becomes or Became the Purchaser at Foreclosure Sale or Where a Deed is Obtained in Lieu Thereof and Defining the Duties and Powers of the Carey Land Act Board in Connection Therewith, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 81-2118 Rev. Codes, 1947.

Section 1. That Section 81-2118 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Water rights.

"81-2118. (1983) **Water Rights — Foreclosure of Lien for Deferred Payments.** (1) The water rights to all lands acquired under the provisions of this act shall attach to and become appurtenant to the land as soon as title passes from the United States to the state. Any person, company, or association furnishing water for any tract of land shall have a first and prior lien on said water right and land upon which said water is used for all deferred payments for said water rights; said lien to be in all respects prior to any and all other liens created or attempted to be created by the owner or possessor of said lands. Upon default in any of the deferred payments secured by any lien under the provisions of this act, the person, company of persons, association, or incorporated company holding or owning said lien may foreclose the same in the same manner as mortgages of real property are foreclosed. All sales shall be advertised in a newspaper of general circulation, published in the county where said land or some part thereof is situated, for six consecutive weeks, and the same shall be sold to the highest bidder at the front door of the courthouse of the county, or such place as may be agreed upon by the terms of the aforesaid contract. The sheriff of said county shall in all such cases give all notices of sale, and shall sell all such land and water rights, and shall make and execute a certificate of sale to the purchaser thereof, and at such sale no person, company of persons, association, or incorporated company owning and holding any lien shall bid in or purchase any land or water right at a greater price than the amount due on deferred payment for said water right and land, and the cost incurred in making the sale of said land and water right. At any time within twelve months after the

Lien of person furnishing water.

Foreclosure of lien.

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foreclosure sale by the sheriff of the land and water right as aforesaid, the original owner against whom the lien has been foreclosed may apply to the person, company of persons, association, or incorporated company purchasing at such sale, to redeem said land and water rights, and the purchaser shall assign the certificate of sale to such land and water rights to such original owner upon the payment by him within such twelve months of the amount of the lien for which the same was sold at such foreclosure sale, together with the interest at ten per cent. per annum, costs, and charges thereon.

Right of redemption.

"(2) When the lien holder becomes the purchaser at such foreclosure sale, and such lands and water rights are not redeemed by the original owner within twelve months, then at any time within three months thereafter any person desiring to settle and use such lands and water rights may apply to the purchaser at such foreclosure sale to redeem such land and water rights, and such purchaser shall assign the certificate of sale of such land and water rights to the person desiring to redeem the same, upon the payment by him of the amount of the lien for which the same was sold at such foreclosure sale, together with the interest, costs, and charges thereon.

Redemption, when lien holder becomes purchaser at foreclosure sale.

"(3) Upon issuing any certificate of sale, it shall be the duty of the sheriff to file for record in the office of the county clerk of the county where such land is situated, a certified copy of such certificate of sale assigned to him by the purchaser as aforesaid, upon his redemption of such land and water rights. In case the land and water rights shall be redeemed by any person other than the original owner, the sheriff shall, upon presentation of such certificate, issue a deed for such land and water rights to the person redeeming the same. If the land and water rights shall not be redeemed by any person within the time and in the manner hereinbefore provided, it shall be the duty of the sheriff, upon presentation of certificate of sale by the original purchaser to issue a deed to such purchaser. *Where such lands and water rights have been heretofore purchased or may hereafter be purchased by the lien-holder at such foreclosure sale and the lands and water rights shall not be redeemed as hereinabove provided, or where such lands and water rights are obtained by deed in lieu of foreclosure, then said lien-holder shall sell and*

Redemption, when a person other than the lien holder purchases at foreclosure sale.

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Lien holder, becoming purchaser and their being no redemption — duty to sell to actual settler.

dispose of said lands and water rights, as expeditiously as possible, to an actual settler, as such settler may be defined by the Carey Land Act Board of the State of Montana. Every settler purchasing lands and water rights from the lien-holder shall obtain a certificate from the Carey Land Act Board of the State of Montana approving said purchaser as an actual settler, as provided by the rules of the Carey Land Act Board, and certifying that such sale has been made as expeditiously as possible, which certificate shall be conclusive as to the qualification of said settler, and as to the fact that such sale has been made as expeditiously as possible. Said sale may be made, by the lien-holder, without regard to the 160-acre limitation, as heretofore in this act provided, and said lands and water rights may be sold by said lien-holder without restriction as to price, notwithstanding any provisions as to price in any contract heretofore made by the lien-holder or any of its predecessors and the State of Montana through its Carey Land Act Board, or otherwise; and said lands and water rights may be sold by said lien-holder to any actual settler, to be determined as set forth herein, without regard to whether said settler has received the benefit of the provisions of this act heretofore by acquisition of lands under the provisions of this act.

Disposition of proceeds of foreclosure sale.

"(4) Where such land and water rights are not purchased by the lien-holder at such foreclosure sale, it shall be the duty of the sheriff to first pay the lien-holder out of the proceeds of such sale the amount of the lien, together with all interest, costs, and charges thereon, and to pay any balance remaining to the person against whom such lien has been foreclosed, and for his services in such cases the sheriff shall receive the same fees as are provided by law in civil cases. Under no circumstances shall a lien be foreclosed against land belonging to the state and not filed on by an individual. In case the claimant whose rights to any such land and water shall have been divested by any deed issued, as in this section provided, shall not have paid to the state sums due or to become due to it on account of such land, any person desiring to settle upon the same shall acquire the right so to do upon payment to the grantee under such sheriff's deed of the amount which would have effected a redemption at the time, with ten per cent. additional; provided, that the holder under the

Situation wherein a settler may acquire land.

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deed shall have the right to remove any crops which may be growing upon such land at the time such intending settler offers to pay such sum."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1951.

CHAPTER 63

An Act Relating to Courses in Applied Music for Students in the Elementary and Secondary Public Schools; Providing for School Credits for Private Instruction at the Pupil's Expense Outside of School Hours in the Various Fields of Music by Teachers to Whom Certificates in Applied Music Have Been Issued by the State Board of Education Under the Provisions of Subdivision 10 of Section 75-2504, Revised Codes of Montana, 1947; Defining the Term "Applied Music"; Placing the Responsibility of Outlining the Proper Courses of Study, the Determination of the Allowance of Credits to Students, and the Entire Supervision of the Applied Music Field of the Public Schools in the State Board of Education Acting Through the State Department of Public Instruction; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Credits in applied music to students receiving private instruction.

Section 1. Credits in applied music may be granted to elementary and secondary students of the public schools who receive private instruction at their own expense in any one or several fields of music from qualified teachers to whom certificates in applied music have been issued by the State Board of Education under the provisions of Subdivision 10 of Section 75-2504 of the Revised Codes of Montana, 1947. The term "applied music" as used in this section shall mean private instruction outside of school hours in the various fields of music.

"Applied music" defined.

Supervision by State Board of Education.

Section 2. The State Board of Education through the State Department of Public Instruction shall have the sole

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supervision over the entire field or fields of applied music in the public schools, and shall prescribe the courses of study and determine the allowable credits for students who meet such requirements.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1951.

CHAPTER 64

An Act to Amend Section 23-929 and Section 23-1004 of the Revised Codes of Montana, 1947, Pertaining to the Election and Organization of County and City Central Committeemen and Committeewomen.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 23-929, Rev. Codes, 1947.

Section 1. That Section 23-929 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County and city central committeemen — how elected.

"Section 23-929. **County and City Central Committeemen, How Elected.** (1) There shall be elected by each political party, subject to the provisions of this law, at said primary nominating election, two committeemen, one of which shall be a man and one of which shall be a woman, for each election precinct, who shall be residents of such precincts. Any elector may be placed in nomination for committeeman of any precinct by a writing so stating, signed by such elector, and filed in the office of the county clerk within the time required in this act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election. The names of the various candidates for precinct committeemen of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates.

Power and jurisdiction of committeemen.

"(2) The committeemen thus elected shall be the representatives of their political party in and for such precinct in all ward or subdivision committees that may be formed. The committeemen elected in each precinct in each county shall constitute the county central committee of each of

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said respective political parties. Those committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee of each of said respective political parties and shall have the same power and jurisdiction as to the business of their several parties in such city matters that the county committee have in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. Each committeeman shall hold such position for the term of two years from the date of the first meeting of said committee immediately following their election.

Term of office.

"(3) In case of a vacancy happening, on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said county committee may select a committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said county and city central committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this law, and to elect two county members of the state central committee, one of which shall be a man and one of which shall be a woman, and the members of the congressional committee, and said committee shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committees have to fill county vacancies and to make rules.

Vacancies.

Rules and regulations.

"(4) Said county and city central committee shall have the power to make nomination to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election where such vacancy is caused by death, resignation or removal from the electoral district, but not otherwise.

May fill vacancies among candidates for city or county offices, when.

"(5) Said committee shall meet *within thirty days after the candidates of their respective political parties shall have been nominated, and shall organize by electing a chairman and one or more vice-chairmen, provided that either the chairman or first vice-chairman shall be a woman. They shall also elect a secretary and such other officers as they shall think proper. It shall not be necessary for such officers to be precinct committeemen or committee-*

Duty to meet and organize.

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Executive committees.

women. They may select managing or executive committees and authorize such subcommittees to exercise any and all powers conferred upon the county, city, state and congressional central committees respectively by this law.

Call for meeting of central committee.

The chairman of the county central committee shall call said central committee meeting and not less than fifteen days before the date of said central committee meeting shall publish said call in a newspaper published at the county seat and shall mail a copy of the call, enclosing a

Proxies.

blank proxy, to each precinct committeeman. No proxy shall be recognized unless held by an elector of the precinct of the committeeman executing the same.

Amendment of Sec. -1004, Rev. Codes, 1947.

Section 2. That Section 23-1004, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Presiding officer.

"Section 23-1004. **Presiding Officer — Proxies.** The county chairman of the party shall preside at the county convention. No person other than a duly elected or appointed precinct committeeman, *committeewoman, or officer of the committee* shall be entitled to *participate* in the proceedings *of the committee.* No proxy shall be recognized unless held by an elector of the precinct of the committeeman executing the same. In case of the absence of any precinct committeeman *or committeewoman* and his duly appointed proxy, the convention may fill the vacancy by appointing some qualified elector of the party, resident in the precinct, to represent such precinct in the convention."

Persons entitled to participate in proceedings of committee.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1951.

CHAPTER 65

An Act to Amend Section 75-3902, Revised Codes of Montana, 1947, Relating to the Maximum Amount for Which Any School District Shall Be Allowed to Become Indebted by the Issuance of Bonds or Otherwise.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-3902 of the Revised Codes

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of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 75-3902, Rev. Codes, 1947.

"Section 75-3902 (1224.2) **Limitations on Amount of Issue.** The maximum amount for which any school district shall be allowed to become indebted by the issuance of bonds, or otherwise, including all indebtedness represented by outstanding warrants and outstanding bonds of previous issues, or unpaid balances thereon, is hereby fixed at *five per centum (5%)* of the value of the taxable property therein to be ascertained by the last completed assessment for state, county and school taxes previous to the incurring of such indebtedness. The words 'value of the taxable property therein' as used herein shall be given the same meaning and construction and are used in the same sense as in Section 6 of Article XIII of the State Constitution. All bonds issued in excess of such amount shall be null and void.

Limitation on amount of issue.

"Whenever bonds are issued for the purpose of paying the redeeming bonds previously issued, or any unpaid balance thereon, all sinking and interest funds applicable toward the payment of such bonds shall be applied to such purpose and the refunding bond issue shall be decreased accordingly."

Application of sinking and interest funds.

Approved February 23, 1951.

CHAPTER 66

An Act Providing Preference to Blind and Physically Disabled Persons Whenever Any Part of Any Public Building of the State of Montana or Any Subdivision Thereof Shall Be Made Available to Private Persons for Use as a Vending Stand or Other Similar Commercial Enterprise, and Defining the Term "Blind Person", and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever any room, corridor or other part of, or space in any public building owned or controlled by the State of Montana, or any agency thereof, or owned or controlled by any county, city or other political subdivision

Preference to disabled persons for lease of space in public buildings for use as vending stand.

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of said state, shall be leased, licensed or otherwise made available to private persons for use as a vending stand or other similar commercial enterprise, blind persons and persons disabled by loss of limb or other physical impairment, shall have and be given the first right and preference to such commercial use thereof; provided, however, that every lease, license or other contract, which may be made pursuant to this act and for the purpose of allowing a preference to a blind or disabled person shall prohibit the transfer by sublease, assignment or otherwise of the right acquired; and provided further, that nothing herein contained shall be construed as a denial of the right to renew existing contracts held by persons who are not entitled to preference under this act.

Assignment of lease forbidden.

Renewal of existing contracts.

"Blind person" defined.

Section 2. For the purpose of this act, the term "blind person" shall mean one who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1951.

CHAPTER 67

An Act to Amend Section 93-314 of the Revised Codes of Montana of 1947 Relating to Itemized Claims of District Judges for Expenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 93-314, Rev. Codes, 1947.

Section 1. That Section 93-314 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Itemized claims for moneys paid out.

"93-314. **Itemized Statements — Verfification — Filing.** On the *first of each month,* or within three (3) days thereafter, such district judge, who may desire to avail himself of the provisions of this act, shall make out an itemized claim against the State of Montana, showing, with dates and particulars, all moneys by him, within the preceding *month,* paid out and expended for and on account of such expenses; and shall verify such claim by making thereon

Verification.

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or appending thereto his sworn affidavit that the items of the claim are true and correct, and are wholly unpaid, and that the expenditures therein enumerated were actually and necessarily made in the discharge of official business while away from home. He shall then file such claim with the clerk of the State Board of Examiners. At the first meeting of the board thereafter, the State Board of Examiners shall allow such claim, if properly verified, as above provided, and order a warrant drawn in payment thereof, and the state auditor shall thereupon, and in pursuance thereof, draw and issue a warrant of the State of Montana in payment of such claim, and forward the same to the claimant and take a receipt therefor."

Allowance of claim by State Board of Examiners.

Approved February 23, 1951.

CHAPTER 68

An Act Declaring a Child Under the Age of Fourteen Years Incapable of Being an Accomplice to the Infamous Crime Against Nature.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That no child under the age of fourteen years can be an accomplice to the commission of the infamous crime against nature upon such child.

Child under fourteen cannot be accomplice in infamous crime against nature.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 23, 1951.

CHAPTER 69

An Act to Amend Section 11-1821 of the Revised Codes of Montana, 1947, Relating to Payment of Police Reserves, to Provide for Increasing Payments to Widow or Minor Children and Raising the Age During Which Minor Child May Receive Payments, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amendment of Sec. 11-1321. Rev. Codes, 1947.

Section 1. That Section 11-1821 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Payment of police reserves.

"Section 11-1821. **Payment of Police Reserves.** (1) Whenever any policeman or officer shall from age or disability become transferred from the active list of the police officers of any city or town to the reserve list of such city or town, he shall thereafter be paid in monthly payments from the funds in this act provided for, a sum equal to one-half (½) the salary he was receiving during the year prior to the time he passed to the police reserve list.

Payment to surviving dependent widow.

"(2) Upon the death of any policeman or any officer of any city or town, his surviving dependent widow, if there be such a surviving widow, shall, as long as she remains his widow, be paid, from the police reserves fund, *reasonable* monthly payments in such amount as the trustee of the said fund shall deem proper, but in no event exceeding *a* sum *equal to one-half (½) the salary such policeman or officer was receiving during the year prior to the time such policeman or officer passed to the police reserve list.* No surviving widow shall be entitled to payments under the provisions of this act if she be fifteen (15) years younger than her husband, unless she shall have been married to and living with her husband for the ten (10) years immediately preceding his death. If such

Payment to dependent minor children.

policeman or officer shall leave a dependent minor child, or dependent minor children, then upon the death of such policeman or officer, providing he leaves no surviving widow, or upon the death or remarriage of his widow, *or if his widow be fifteen (15) years younger than her husband and shall not have been married to and living with her husband for the ten (10) years immediately preceding his death, then* his surviving dependent minor child, or dependent children, collectively, if there be more than one dependent minor child, shall be paid the same monthly payments as are herein provided to be paid to the surviving widow, until such minor child, or minor children, shall have attained the age of *eighteen (18)* years or shall have married; provided further that the payments herein provided for to be made to the surviving widow and/or children shall not be made if such pay-

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ments will require an increase in the millage tax levy now provided for by Section 11-1823.

Guardian of minor children.

"(3) Payments as herein provided for, to be made to the minor child or children of police officers shall be paid to the duly appointed, qualified and acting guardian of such child or children, for the use of such minor, until such minor shall have reached the age of *eighteen (18)* years or shall have married and in case there is more than one minor child, upon each such child reaching the age of *eighteen (18)* years the pro rata payments to such child shall cease and shall be made to the remaining minor child or children until the youngest child shall reach the age of *eighteen (18)* years or shall have married.

"Policeman," "Police officer," "Active police," "Patrolman."

"(4) The term 'policeman', or 'police officer', as herein used shall include all those on the reserve list, as well as 'active police', 'police officer', and/or 'patrolman'."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1951.

CHAPTER 70

An Act to Amend Section 11-2803, Revised Codes of Montana of 1947, Relating to the Vacation of Plats in Abandoned Townsites by Providing for the County Commissioners to Vacate Certain County Owned Lands, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 11-2803, Rev. Codes, 1947.

Section 1. That Section 11-2803, Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Vacation of plats in abandoned townsites.

"11-2803. **Vacation of Plats in Abandoned Townsites.** (1) When there shall have been filed in the office of the county clerk of any county of this state a plat of any village or townsite, or a plat of any vineyard tracts, acreage tracts, suburban tracts or community tracts designated in Section 11-614, and it is desired by the owners of said

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lands to vacate said plat, the county commissioners of the county in which such plat is filed, upon petition of the owners of all the lands described in said plat, and upon such conditions as may be reasonable, shall cancel and annul said plat and shall vacate the lots, streets, alleys, parks and boulevards, if any, described in said plat, and thereafter the designation of said property shall be by metes and bounds or by legal subdivisions if the circumstances may require and the same shall be assessed accordingly. If any post office, store or other business establishment shall be located within such platted area, that fact shall not prevent the cancellation and vacating of said plat in accordance with the terms of this act, but, in all cases where it shall be necessary to designate the location of any such post office, store or other business property by metes and bounds for purposes of identification, such designation shall be made in the order to be entered by the board of county commissioners.

Petitions.

"(2) Petitions under the terms of this act shall be signed by all the owners of the land in such platted area, shall distinctly refer to the original plat for purposes of identification and shall disclose that the petitioners are the owners of all the lands described in said plat, and that no rights of any person have intervened since the filing of said plat which would be adversely affected by the cancellation and annulment thereof. Provided, however, that when only a portion or portions of any village or townsite in any unincorporated village or town is sought to be vacated or excluded therefrom and said portion or portions is not less than four blocks in area, and situated at the limits or boundaries of said village or townsite, a verified petition may be filed in the office of the clerk of the district court of the county where said village or townsite is situated by the owner or owners of all the property sought to be vacated or excluded, which petition shall be addressed to the district court of the said county, setting forth the description of the portion or portions sought to be excluded and the reason or reasons for desiring such portion or portions to be excluded. A citation shall thereupon be issued by the judge of the court before whom said matter is pending, citing all persons interested in said matter to appear before said court at a time and place specified in said citation, but at a time not less

Vacation or exclusion of parts of unincorporated town.

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than three (3) weeks from the date of said citation, which citation shall be published in a newspaper of regular circulation in the said county, or if no such newspaper is in said county, then in such a newspaper located in an adjoining county of the state, which citation shall be published once a week for two (2) successive weeks before the date of said hearing.

Jurisdiction of District Court.

"(3) Upon the hearing of said petition and upon conditions that may seem reasonable, the court may vacate and exclude the portion or portions of said village or townsite as prayed for in said petition, including any streets, alleys, parks or boulevards upon which no public easement or easements shall vest, and such excluded property shall be described by metes and bounds in the decree of the court, and said property shall be assessed accordingly.

Vacation of subdivision lying outside or partly outside incorporated city and more than one half owned by a county.

"(4) When a subdivision, lying entirely outside of or partly inside and partly outside of the limits of any incorporated or unincorporated city or town, is over one half owned by a county, the county commissioners may, after publication of notice for two (2) consecutive weeks in a newspaper of general circulation in the county, of a public hearing, and conducting said public hearing to determine whether greater benefit will result from the vacation and exclusion of the blocks than from their being continued as blocks, vacate and exclude such blocks or such portions of such blocks as lie outside of the city limits; provided, however, that such vacation of blocks shall not cut out any persons' ingress or egress or interfere with any vested easements or rights; provided, further, that any person who believes his rights to be prejudiced by such action may appeal to the district court of the said county. Any person so appealing to the said district court shall be required to post a bond in the manner prescribed by law in a sufficient amount to cover the costs of the action and must thereafter show that greater damage will be done by such vacation of land than would result from its being maintained in its existent status."

Severability of Act.

Section 2. This act shall be severable and should any clause, sentence, part or portion for any reason be adjudged by any court of competent jurisdiction to be invalid, unconstitutional or inoperative, such judgment shall not impair the validity of the act as a whole or the remainder

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of this or any other part thereof that can be given effect, but shall be confined in its operation to the particular clause, sentence, part or portion directly adjudged to be so invalid, unconstitutional or inoperative.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1951.

CHAPTER 71

An Act to Amend Section 84-4176, Revised Codes of Montana, 1947, Relating to Refund of Taxes, Percentum and Costs Paid More Than Once or Erroneously or Illegally Collected, By Providing for Refund of Taxes, Percentum and Costs Mistakenly Computed on Government Bonus or Subsidy; Providing Time for Filing Claim; and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-4176, Rev. Codes, 1947.

Section 1. That Section 84-4176 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Refund of taxes, percentum and costs paid more than once or illegally collected.

"84-4176. Any taxes, percentum and costs, heretofore or hereafter, paid more than once or erroneously or illegally collected, *and any part or portion of taxes paid which were mistakenly computed on government bonus or subsidy received by the taxpayer,* may, by order of the board of county commissioners, be refunded by the county treasurer. Whenever any payment shall have been made to the state treasurer, as provided in Section 84-4401 of this code, and it shall afterwards appear to the satisfaction of the board of county commissioners that a portion of the money so paid should be refunded as herein provided, said board of county commissioners may refund such portion of said taxes, penalties and costs so paid to the state treasurer, and upon the rendering of the report required by Section 84-4402 of this code, the county clerk shall certify to the state auditor, in such form as the state auditor may prescribe, all amounts so refunded, and in

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the next settlement of the county treasurer with the state, the state auditor shall give the county treasurer credit for the state's portion of the amounts so refunded.

School district and municipal taxes.

"When any part of the taxes, penalties or costs hereinbefore referred to were levied in behalf of any school district or municipal or other public corporation, and collected by the county treasurer, the same may be refunded upon the order of the board of county commissioners.

Verified claim.

"No order for the refund of any taxes, percentum or costs under this section shall be made except upon a claim therefor, verified by the person who has paid such tax, penalty or costs, or his guardian, or in case of his death by his executor or administrator, which claim must be filed within *ten (10)* years after the date when the second half of such taxes would have become delinquent if the same had not been paid.

Payment of refunds.

"All refunds ordered to be paid by the board of county commissioners shall be paid by the county treasurer out of the general fund of the county and the county treasurer shall then make such transfers from other county funds and from state, school district and other public corporation funds in his possession as may be necessary to reimburse the county general fund for payments made therefrom on account of such other funds."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1951.

CHAPTER 72

An Act to Amend Section 16-1002, Revised Codes of Montana of 1947, Relating to Powers of County Commissioners to Authorize Parking Regulations in Unincorporated Towns and Villages.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16-1002, Revised Codes of Mon-

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Amendment of Sec. 16-1002, Rev. Codes, 1947.

tana of 1947, be, and the same hereby is amended to read as follows:

Power of county commissioners.

"16-1002. (4465.1) **Division of County Into Townships, School, Road and Other Districts.** The Board of County Commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law:

Division of counties into township, school and road districts.

"To divide the counties into township, school, road and other districts required by law, change the same, and create others as convenience requires, by consolidation of two (2) or more townships, or otherwise.

Parking regulations.

"To establish by resolution parking regulations, for the purpose of regulating the parking of motor vehicles in unincorporated towns and villages."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1951.

CHAPTER 73

An Act to Amend Section 80-920, Revised Codes of Montana, 1947, to Provide That Indian Girls May Be Committed to the State Vocational School for Girls Upon the Payment or Assurance of Payment by the Indian Department of the Sum of Fifty Cents ($0.50) Per Day for Each Indian Girl Committed; and to Provide That the Principal of the State Vocational School for Girls May Accept As Full Payment for the Past Care of Said Indian Girls, An Amount Computed At the Rate of Fifty Cents ($0.50) Per Day for Each Girl; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 80-920, Rev. Codes, 1947.

Section 1. That Section 80-920, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Warrant of judge.

"Section 80-920. **Warrant of Judge — Expense of Commitment and Care — Indian Girls.** The judge shall certify in the warrant the place where the girl resided at the time of her arrest; also her age as nearly as can be ascertained, and command a woman officer to take such girl

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and deliver her without delay to the principal of said school, or other person in charge thereof, at the place where the same is located, and the showing of such certificate for the purposes of this act shall be conclusive evidence of her residence or age; accompanying this warrant the judge shall transmit by the officer executing it a statement of the nature of the complaint to the principal, together with such other particulars concerning the girl as the judge is able to ascertain; provided, that the expense of committing such girl to the State Vocational School for Girls, of the returning of her to her parent or guardian after her release therefrom, shall be at the expense of the county from which the girl is committed; and provided, further, that the county from which any girl committed to the State Vocational School for Girls shall be sent shall be liable for the expense attending the care, education, training, and safekeeping of such girl while she is in actual physical attendance or residence in said school, and shall pay for the same the sum of fifty cents ($0.50) per day for each girl so sent until final discharge; and provided, further, that Indian girls who are wards of the United States may be committed by a court of competent jurisdiction and shall be eligible to, and shall be admitted to such school upon the payment or assurance of payment by the Indian Department for each Indian ward admitted *the sum of fifty cents ($0.50) per day until final discharge,* and the principal shall bill the proper agency therefor. On the first of every month the principal of said Vocational School for Girls shall prepare and transmit to the respective boards of county commissioners of the several counties liable for such care, education and safekeeping a certificate showing in detail the persons on whose account such expense was incurred, the amount due on account of each such person respectively for the month preceding, and the said board of commissioners shall allow the said sum so certified against the respective counties, and shall pay the same by warrant to the State Vocational School for Girls, the same as any other current expense of said county."

Statement accompanying warrant.

Expense of commitment.

Indian girls who are wards of United States.

Section 2. WHEREAS, Section 80-920, Revised Codes of Montana, 1947, provides that the care provided for Indian girls at the State Vocational School for Girls of the State of Montana should be based upon a per capita

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cost basis and the care provided for other girls shall be at the rate of fifty cents ($0.50) per day, and

WHEREAS, the Office of Indian Affairs of the United States Department of Interior has refused to pay for the care of Indian girls at a per capita cost rate for the reason that the establishment of a higher charge for Indian girls is an unreasonable classification, is discriminatory, and is in violation of the Montana Constitution and the Constitution of the United States, and

WHEREAS, it is the considered opinion of the attorney general of the State of Montana that the classification established by said Section 80-920, is arbitrary, unreasonable, and discriminatory, and therefore unconstitutional,

NOW THEREFORE:

Amount payable for care of Indian girls.

The principal of the State Vocational School for Girls of the State of Montana is hereby authorized to accept as payment in full for the care of any Indian girls who have in the past been committed to said school, an amount computed at the rate of fifty cents ($0.50) per day for each girl.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1951.

CHAPTER 74

An Act Making It Unlawful for Any Person to Publish, Print, Mimeograph, Type or Otherwise Produce Any Dodger, Bill, Handbill, Pamphlet or Other Document Designed to Aid, Injure or Defeat any Candidate or Any Political Party or Organization or Measure Before the People, Unelss It Is Stated Therein the Name of the Chairman or Secretary, or the Names of the Other Officers of the Political or Other Organization Producing the Same, or the Name of Some Voter Who Is Responsible Therefor With His Residence and Street Address, If Any, Together With the Name of the Publisher, Printer or Other Producer Thereof With His

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Residence and Street Address, If Any, or His Place of Business, and Providing That Violation Thereof Shall Constitute a Misdemeanor, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Regulations pertaining to publication or production of dodgers or other documents designed to aid or injure any candidate, political party or measure.

Section 1. It shall be unlawful for any person to publish, print, mimeograph, type or otherwise produce any dodger, bill, handbill, pamphlet or other document which is designed to aid, injure or defeat any candidate or any political party or organization or measure before the people unless it is stated therein the name of the chairman or secretary, or the names of the other officers of the political or other organization publishing, printing, mimeographing, typing or otherwise producing such dodger, bill, handbill, pamphlet or other document or the name of some voter who is responsible therefor with his residence and street address, if any, together with the name of the publisher, printer or the producer thereof with his residence and street address, if any, or his place of business.

Penalty.

Section 2. Any person who shall violate the provisions of this act shall be guilty of a misdemeanor.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1951.

CHAPTER 75

An Act to Amend Section 12-317 of the Revised Codes of Montana of 1947, Relating to Distribution of Codes.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 12-317, Rev. Codes, 1947.

Section 1. That Section 12-317 of the Revised Codes of Montana of 1947, be, and the same hereby is amended to read as follows:

Distribution of codes.

"12-317. **Distribution of Codes.** The Secretary of State, upon receipt of said published codes, shall distribute the same, or so many of them as may be necessary, in the following manner, to-wit:

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"To each department of the state government of Montana, one (1) copy.

"To the code commissioner and each member of the legislative assembly, one (1) copy upon the payment to the State of Montana by the code commissioner and by any member of the legislature receiving such copy, the actual cost price thereof to the state; *provided further, that any member of the legislature desiring a copy must make application during his term of office and not more than one (1) copy shall be distributed to each member.*

"To the state law library, two (2) copies.

"To the library of congress, two (2) copies.

"To the state historical and miscellaneous library, one (1) copy.

"To the state law librarian, for the purpose of exchanges with libraries, universities and other institutions, such number of copies, not to exceed one hundred (100) as may be required by him.

"To each of the component institutions of the University of Montana, one (1) copy.

"To each of the United States district judges for the district of Montana, and to each of the judges of the supreme and district courts of Montana, one (1) copy.

"To the county clerk of each county, three (3) copies for the use of the various county officials.

"To each county attorney, and to each clerk of the district court, one (1) copy.

Discretion of the Secretary of State.

"The secretary of state may further distribute the Revised Codes of Montana of 1947, at his discretion, to other departments of government not herein enumerated when the same are deemed absolutely necessary, and may exchange new sets for worn out sets when the latter are returned to his office. The copies of said codes distributed under the provisions of this section, shall remain the property of the state or county office or department to which they are delivered; provided, however, that copies of the code purchased by the code commissioner or by any member of the legislative assembly of Montana shall be-

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come the personal property of the person or persons paying the cost thereof to the state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1951.

CHAPTER 76

An Act to Provide for a Separate Account in the County Treasurer's Office for Funds Received From the United States Government or the State of Montana for Veterans' On-Farm Training Programs in the Various School Districts of the State of Montana; Providing for the Board of Trustees of Each District Operating Such Program to Arrange for This Account and Disburse Its Funds Separate and Apart From All Other Budgets and Accounts of the Said Districts; Providing for the Transfer of Accumulated Balances in the Veterans' Training Program Account and Finally Providing That the Rules and Regulations for the Establishment and Operation of This Account Be Formulated By the State Examiner.

Be it enacted by the Legislative Assembly of the State of Montana:

A separate veterans' training program account to be established.

Section 1. **A Separate Veterans' Training Program Account to Be Established.** The board of trustees of any school district or of any county high school is hereby authorized to set up a separate account with the county treasurer for the purpose of receiving and disbursing funds received from the United States government or the State of Montana for the operation of training programs for veterans under public laws of the United States congress. Such account shall be separate and apart from other budgets and accounts of the school district, and shall be labeled "on-farm training account" and shall be under the jurisdiction of the board of trustees.

Duty of trustees of school district to deposit receipts in fund.

Section 2. The board of trustees of each such school district or county high school having the on-farm training account established in Section 1, shall deposit all receipts from the State of Montana or the United States government for the on-farm training program in this fund. Pay-

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Payment of salaries from fund.

ment of authorized salaries from this account shall be made by the board once each month; providing, however, that should there be insufficient funds to the credit of such account, the county treasurer shall register the warrant as provided for pursuant to Section 16-2604, Revised Codes of Montana, 1947.

Warrants.

Disposition of balance in fund.

Section 3. Any funds accruing to this account over and above the amount needed for facility charges, regular salaries and instruction expense will remain in the on-farm training account as an unexpended balance; provided that should the on-farm training program be discontinued for any reason, any unexpended balance will be transferred to the general fund.

Rules and regulations by State Examiner.

Section 4. Rules and regulations for the establishment of this account and for its operation shall be formulated by the state examiner.

Approved February 23, 1951.

CHAPTER 77

An Act Relating to Bank Records and Files and to the Admissibility in Evidence of Entries Therein, and to the Destruction of Bank Records After the Period Fixed By This Act and Providing That No Liability Shall Follow the Destruction of Bank Records in Accordance With This Act; and Authorizing the Use of Photostatic, Photographic, or Micro-film Reproductions of Records in the Regular Course of Business; and Authorizing the Admissibility in Evidence of Secondary Evidence as to Form, Text and Contents of the Original Records, Including Photostatic, Photographic or Micro-film Reproductions Thereof, When Made in the Regular Course of Business of Any Bank, Before or After the Expiration of Said Period and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Banks not required to keep records more than eleven years.

Section 1. Banks shall not be required to preserve or keep their records for a longer period than eleven (11) years next after the first day of January of the year following the time of the making of such records; pro-

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vided, however, that the following records shall not be destroyed, viz., ledger sheets showing unpaid balances in favor of depositors of any banks. No liability shall accrue against any bank destroying any such records (except records the destruction of which is forbidden hereby) after the expiration of the time provided in this section.

Exception.

Section 2. Banks are hereby authorized to make, at any time, photographic or phototsatic copies, or micro-film reproductions of any records or documents including photographic enlargements and prints of micro-films, and to preserve, store, use and employ the same in carrying on business. In any action or proceedings in which any bank records may be called in question or be demanded of any bank or any officer or employee thereof, a showing that such records have been destroyed in the regular course of business shall be a sufficient excuse for the failure to produce them; and, upon such showing, secondary evidence of the form, text and contents of the original records, including photostatic, photographic or micro-film reproductions thereof (and photographic enlargements and prints of micro-film reproductions), when made in the regular course of business, shall be admissible in evidence in any court of competent jurisdiction or in any administrative proceeding. Any photostatic, photographic or micro-film reproductions (including enlargements of the latter) made in the regular course of business, of any original files, records, books, cards, tickets, deposit slips, or memoranda which were in existence at the effective date of this act shall be admissible in evidence in proof of the form, text and content of any said originals which may be destroyed in the regular course of business after the effective date of this act.

Photographic, photostatic, and micro-film reproductions as evidence.

Section 3. Any photostatic or photographic or micro-film reproductions (including enlargements of the latter) of any original records or files of any bank, whether in the form of an entry or entries in a book, or any other form of record, shall be admissible in evidence in any court of competent jurisdiction in proof of an act, transaction, occurrence or event, when shown to be made in the regular course of business of the bank. But nothing contained in this act shall be construed to authorize the use of secondary evidence in administrative or court proceedings when original records are in existence and avail-

Only original records, if available, may be admitted in evidence.

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able for use in accord with the rules of evidence as set forth in the code of civil procedure.

Destruction of records in regular course of business.

Section 4. Destruction in the regular course of business shall include destruction at any time after making such reproductions; and reproductions made in the regular course of business shall include reproductions made at any time prior to the destruction of the original, in each case, if done in good faith and without intent to defraud.

Section 5. The provisions of this act shall be applicable to all records in existence at the time of the passage of this act, and to all records originating after said date; and such provisions of this act shall apply to all banks organized under the laws of the State of Montana; and, also, to all national banks located in the State of Montana, as far as applicable to such national banks.

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after twelve o'clock noon meridian on July 1, 1951.

Approved February 23, 1951.

CHAPTER 78

An Act to Amend Section 84-4925 of the Revised Codes of Montana, 1947, Relating to Payment of Tax — Penalty and Interest — Refund of Excess Payment.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-4925, Rev. Codes, 1947.

Section 1. That Section 84-4925 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Payment of tax.

"Section 84-4925. **Payment of Tax — Penalty and Interest — Refund of Excess Payment.** (1) Each taxpayer shall, or in cases where an agent or a guardian or other fiduciary makes return for the taxpayer on whose behalf he is acting, then the agent, guardian, or other fiduciary shall, at the time of filing his return, pay to the board the amount of tax payable hereunder as the same shall appear from the face of the return.

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If the tax exceeds twenty-five dollars ($25.00) it may, at the option of the taxpayer, be paid in two (2) installments, as nearly equal as may be, instead of a single payment, in which case the first installment shall be paid *on* or before the date prescribed for the payment of the tax as a single payment, the second installment on or before the fifteenth (15th) day of the sixth (6th) month after such date. May be paid in two installments, when.

If each installment is paid in full on or before the date when it is due, there shall be no interest thereon. If any installment is not paid in full on or before the date fixed for its payment, either by this act or by the board in accordance with the terms of an extension, the whole amount of the tax remaining unpaid shall be due and payable upon notice and demand from the board, and shall be subject to interest, penalties and additional taxes as provided in Section 84-4924. Penalty and interest.

If the time for filing a return is extended, the taxpayer shall pay in addition, interest thereon at the rate of six per centum (6%) per annum from the time when the return was originally required to be filed to the time of payment.

(2) As soon as practicable after the return is filed, the department shall examine it and compute the tax.

(3) If the amount of tax as computed is greater than the amount theretofore paid, the excess shall be paid by the taxpayer to the board within ten (10) days after notice of the amount of the tax as computed is mailed by the board. In such case, if the return is made in good faith and the understatement of the amount in return is not due to any fault of the taxpayer, there shall be no interest, penalty or additional tax because of such understatement. Provided, the deficiency is paid within ten (10) days after notice of the amount is mailed to the taxpayer. If payment is not made within ten (10) days, there shall be added to the amount of deficiency five per centum (5%) thereof, and, in addition, interest at the rate of one per centum (1%) per month for each month or fraction of a month calculated from the date of the notice. If the understatement is due to negligence on the part of the taxpayer but without intent to defraud, there shall be added to the amount of the deficiency five per centum (5%) thereof, Payment of deficiency. Penalty and interest.

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and in addition, interest at the rate of one per centum (1%) per month for each month or fraction of a month. If the understatement is false or fraudulent with intent to evade the tax, the tax, with reference to the additional income discovered shall be doubled and an additional one per centum (1%) shall be added to the amount so due for each month or fraction of a month. Except as otherwise provided in this subdivision, the interest provided for in this subdivision shall in all cases be computed from the date the tax was originally due to the date of payment.

Credit or refund of excess payment.

(4) If the amount of the tax as computed is less than the amount theretofore paid, the taxpayer is entitled to *credit or* a refund of the excess."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1951.

CHAPTER 79

An Act Amending Section 91-4423, Revised Codes of Montana, 1947, Relating to the Jurisdiction of the District Court in Granting Letters Testamentary or of Administration Upon Estates of Decedents Whose Property Is Chargeable With Inheritance Tax and in the Determination of Questions Arising Under Inheritance Tax Laws and Providing That, Before Such Determination Shall Be Made, Notice of Hearing Shall Be Given to the State Board of Equalization, and Providing for Objections by the State Board of Equalization to the Computation of Such Tax, and for Hearing Thereon; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 91-4423 (10400.13), Rev. Codes, 1947.

Section 1. That Section 91-4423, (10400.13) Revised Codes of Montana, be, and the same is hereby amended to read as follows:

"91-4423. (10400.13) **Jurisdiction of District Court** — *Notice to State Board Required Before Hearing.* The dis-

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Jurisdiction of District Court relating to inheritance tax law.

trict court of every county of the state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under the inheritance tax laws, or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of the inheritance tax laws, and to do any act in relation thereto authorized by law to be done by a district court in other matters or proceedings coming within its jurisdiction; and if two or more district courts shall be entitled to exercise any such jurisdiction, the district court first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other district court.

Notice of hearing and copy of petition must be given to State Board of Equalization.

Before any decree determining inheritance tax in any estate shall be made by the court, the court shall require proof that due notice has been given to the State Board of Equalization before the hearing upon the petition to have inheritance tax determined, whether such hearing be at the time of the hearing on the final account or otherwise; and the court shall likewise require proof that a copy of such petition has been given to the board not later than the time of giving the notice; and, before the time fixed in said notice, said board shall cause to be filed, with the clerk of the district court, a certificate signed by the board stating that the amount of the inheritance tax determined to be due the State of Montana as appearing in the report or petition, has been properly computed therein or, if no tax is due, such certificate shall so state; and, if the board shall object to the amount of the tax so computed, the board shall, before the time fixed for the hearing, file with the clerk of the court its written objections thereto, setting forth therein the nature of the objections. If neither such certificate nor objections shall have been filed at the time fixed for the hearing, it shall be conclusively presumed that the board concurs in the amount so computed.''

Certificate by the board to be filed with Clerk of Court.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1951.

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CHAPTER 80

An Act Amending Section 26-1123, Revised Codes of Montana, 1947, Relating to the Authority of the Fish and Game Commission to Perform Such Acts As May Be Necessary to the Establishment and Conduct of Wildlife Projects As Defined and Authorized by the Pittman-Robertson Act of Congress, and to Amend Section 26-1124, of the Revised Codes of Montana, 1947, Relating to the Power of the State Fish and Game Commission to Enter Into Cooperative Agreement and to Acquire Lands Under the Provisions of the Pittman-Robertson Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 26-1123, Rev. Codes, 1947.

Section 1. That Section 26-1123, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Fish and Game Commission authorized to establish wildlife projects.

"Section 26-1123. The Montana fish and game commission is hereby authorized to perform such acts as may be necessary to the establishment and conduct of wildlife projects as defined and authorized by said act of congress, provided every project initiated under the provisions of this act shall be under the supervision of the Montana state fish and game commission, and no laws, rules or regulations shall be passed, made or established, governing the game or furbearing animals or the taking or capturing of the same in any such projects, except they be in conformity with the laws of the State of Montana or rules promulgated by the Montana fish and game commission and the title to all lands acquired or projects created from lands purchased or acquired by deed or gift shall vest in, be, and remain in the State of Montana and shall be operated and maintained by it in accordance with the laws of the State of Montana. The Montana fish and game commission shall have no power to accept benefits unless the projects created or established shall wholly and permanently belong to the State of Montana, *except as provided in Section 26-1124 of this code, and also provided, that nothing contained herein shall prevent the Montana fish and game commission from entering into cooperative agreements on federally-owned lands as provided for herein.*"

Section 2. That Section 26-1124 of the Revised Codes

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of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 26-1124, Rev. Codes, 1947.

"Section 26-1124. The Montana state fish and game commission in the name of the state and with the approval of the governor *shall have the power to enter into the cooperative agreements on federally-owned lands with the government of the United States or some department or bureau thereof, or with an individual or individuals, private corporations or partnership for the purpose of carrying on any wildlife restoration project and established under the provisions of said Pittman-Robertson Act of the Congress of the United States,* and shall have the power to acquire by purchase, either for cash or upon installments, or lease or by gift or devise, *either* individually or in conjunction with the government of the United States or some department or bureau thereof, such lands or other property or interests therein as may be necessary for the purpose of carrying on any wildlife restoration project created and established under the provisions of said Pittman-Robertson bill of the congress of the United States, and State of Montana does reserve to itself, acting through its legislature, the right to direct the Montana fish and game commission to abandon any wildlife restoration projects created and established as the State of Montana may in its judgment think proper, provided said commission shall have no power to exercise the right of eminent domain to condemn or acquire property under this act."

Co-operative agreements on federally-owned lands.

Power to acquire lands.

Reservation of right of state to abandon projects.

Commission has no power to acquire property by condemnation.

Approved February 24, 1951.

CHAPTER 81

An Act Amending Section 26-106, Revised Codes of Montana, 1947, Relating to the State Fish and Game Warden, His Qualifications, Salary and Duties; Amending Section 26-115, Revised Codes of Montana, 1947, Providing for the Appointment and Bond of the Superintendent of State Fisheries; Amending Section 26-116, Revised Codes of Montana, 1947, Relating to the Salary and Expenses of the Superintendent of Fisheries; Amending Section 26-117, Revised Codes of Montana, 1947, Enumerating the Powers and Duties of the Superintendent of State Fisheries; Amending Section 26-122,

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Revised Codes of Montana, 1947, Relating to the State Fish and Game Warden and the Employment of Assistance for the Commission and the State Fish and Game Warden, and Permitting the Fish and Game Warden, With the Consent of the Commission to Establish Department Divisions and Employ Necessary Personnel; Amending Section 26-124, Revised Codes of Montana, 1947, Requiring Reports of the State Fish and Game Warden and of the Commission; Repealing All Acts or Parts of Acts in Conflict Herewith; and Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 26-106, Rev. Codes, 1947.

Section 1. That Section 26-106, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Appointment of state fish and game warden.

"Section 26-106. The state fish and game commission shall appoint and employ a state fish and game warden. He shall be a person having experience, special training and skill in wildlife protection, conservation, and management.

Powers and duties of such warden.

He shall be the secretary of the state fish and game commission, attend the meetings of said commission, and keep a record of all of its transactions, and shall make and keep an inventory showing the description and value of all property owned by the state and under the administration of said commission. He shall be the administrative agent of the state fish and game commission, custodian of the property and records of the fish and game department, and shall maintain his office at the seat of the state government. He shall devote all of his time to his official duties, and such state fish and game warden shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the state game warden or the state fish and game warden. His powers and duties shall include those of a deputy state fish and game warden hereinafter enumerated.

Removal from office.

He shall be subject to the supervision and control of said commission and may be removed from office by said commission *only* for neglect of duty, incompetency or other good cause, and after full hearing on verified charges filed at least twenty (20) days before said hearing and served on said officer at least twenty (20) days before said hearing. The state fish and game warden shall be paid a salary fixed by the

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commission and approved by the State Board of Examiners, and shall be allowed his actual and necessary traveling expenses while away from the seat of government upon official business connected with his office, but in no year shall he be allowed as expenses a sum in excess of two thousand dollars ($2,000.00) in any one year, the same to be paid upon proper vouchers from the fish and game fund of the state."

Salary and expense allowance.

Section 2. That Section 26-115, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 26-115, Rev. Codes, 1947.

"Section 26-115. The state fish and game *warden* shall have general supervision over all hatcheries in the state, and shall *with the consent and approval of the commission* appoint and employ a superintendent of fisheries, who shall be a competent person and a skilled fish culturist. The output of all state hatcheries shall be used to stock the lakes and streams of the state and shall be for free and impartial distribution within the state, such distribution to be under the direction of said superintendent of fisheries subject to an official order of the *state fish and game warden.* The *state fish and game warden* shall have the power to exchange spawn or fish with other states or persons for distribution in this state. Before entering upon his official duties the superintendent so appointed and employed by said *fish and game warden* shall execute and file a bond with the secretary of state, in the sum of two thousand dollars ($2,000.00) with sureties thereon, approved by the state treasurer, to the State of Montana, conditioned for the faithful performance of his official duties, and that he will account for and pay over, pursuant to law, all moneys received by him. He shall be reimbursed for the premium on said bond from the fish and game fund of the state, upon presentation of a proper voucher therefor."

Superintendent of fisheries.

Distribution of output of hatcheries.

Official bond.

Section 3. That Section 26-116, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 26-116, Rev. Codes, 1947.

"Section 26-116. The superintendent of state fisheries, appointed and employed by the *state fish and game warden* shall receive for his services a salary fixed by the commission with the approval of the State Board of Examiners

Salary of superintendent of state fisheries.

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Expense allowance.

and, in addition, shall be allowed his actual and necessary traveling expenses while absent from his place of residence and upon official business connected with his office, but in no instance shall he be allowed for such expenses a sum in excess of one thousand five hundred dollars ($1,500.00) in any one year, and such salary and expenses shall be paid from the state fish and game fund on proper vouchers."

Amendment of Sec. 26-117, Rev. Codes, 1947.

Section 4. That Section 26-117, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Powers and duties of superintendent of state fisheries.

"Section 26-117. The superintendent of state fisheries *with the approval of the state fish and game warden* shall have full control of all state fish hatcheries and shall be responsible for their construction, maintenance, and operation. All such construction work done under contract or otherwise, shall be done under control and supervision of said *fish and game warden. The superintendent of state fisheries* shall have charge of the work of taking and collecting all spawn, the hatching of all spawn and eggs, rearing, propagating and distribution of fry, fingerlings and fish, and with the consent of the state *fish and game warden,* he shall have power and authority to employ such assistance and help as may be necessary in the operating of fish hatcheries of the state, the gathering of eggs, or the performance of any other work in connection with the protection, propagation and distribution of fish and fry. He shall have authority with the consent of the *fish and game warden,* to purchase so many eyed eggs from time to time, as may be necessary in order to keep the hatcheries of the state supplied with eggs and in full operation; provided, however, that the said superintendent shall make every reasonable effort to collect sufficient eggs from the public streams or lakes of this state, to supply said hatcheries, and for that purpose shall have the right and authority to build, equip, and use fish traps and nets at any and all seasons of the year in all public waters of the state. Said superintendent shall have authority when authorized to by the *fish and game warden,* to purchase the eyed eggs of fish not propagated in this state, for the purpose of stocking the waters *of* this state."

Section 5. That Section 26-122, Revised Codes of Mon-

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tana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 26-122, Rev. Codes, 1947.

"Section 26-122. The state fish and game warden shall have the authority, *by and with the consent* of the commission, *to establish such department divisions and to employ the necessary personnel that may be needed to conduct the work of the department.*"

Establishment of department divisions — personnel.

Section 6. That Section 26-124, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 26-124, Rev. Codes, 1947.

"Section 26-124. The state fish and game warden shall, on or before the first day of June of each year, make a written report to the state fish and game commission of the operation of *his* department during the preceding year ending April 30th and the state fish and game commission shall thereafter, and on or before the first day of November of each *even numbered* year transmit such reports together with a detailed report to the governor, of its work and of moneys collected or received, with the sources thereof, and all disbursements and expenditures, with the details connected therewith, the result of investigations made by it during the preceding *two (2) year period* with recommendations as to measures to be taken or enacted to conserve and progagate the fish, game, game birds and game, and fur-bearing animals of the state, and if such recommendation embody legislation, drafts of bills to accomplish the purposes desired.

Annual report by state fish and game warden.

Recommendations.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 24, 1951.

CHAPTER 82

An Act to Amend Section 75-310 of the Revised Codes of Montana, 1947, Relating to the Control of Expenditures of the Institutions Under the General Control of the State Board of Education; and Repealing All Acts or Parts of Acts in Conflict Therewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 75-310, Rev. Codes, 1947.

Section 1. That Section 75-310 of the Revised Codes of Montana, 1947, be amended to read as follows:

Control of expenditures of state institutions.

"Section 75-310. **Control of Expenditures of State Institutions.** The State Board of *Education pursuant to the terms of appropriations of the state legislature or of congress or of gifts of donors, shall determine the need for all expenditures and control the purposes for which all funds of said institutions shall be spent. Subject to this control and to the provisions of the law dealing with the state purchasing agent, Revised Codes of Montana, 1947, Sections 82-1901 to 82-1923, the* State Board of Examiners shall let all contracts, *issue* all bonds for any and all buildings or improvements, and shall audit all claims to be paid from *all* moneys*;* but said State Board of Examiners shall have authority to confer upon the executive boards of such institutions such power and authority in contracting current expenses, and in auditing, paying and reporting bills for salaries or other expenses incurred in connection with said institutions, as may be deemed by said State Board of Examiners to be to the best interest of said institution."

Repealing clause.

Section 2. All acts or parts of acts, general or special, in conflict with the provisions of this act are hereby repealed.

Approved February 26, 1951.

CHAPTER 83

An Act to Repeal Section 75-4114 of the Revised Codes of Montana of 1947, Relating to Bond Limit — Term — Rate of Interest — Form.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 75-4114, Rev. Codes, 1947, repealed.

Section 1. That Section 75-4114 of the Revised Codes of Montana of 1947 be, and the same hereby is repealed.

Approved February 27, 1951.

CHAPTER 84

An Act to Amend Section 93-303, Revised Codes of Mon-

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tana, 1947, Relating to Salaries of District Judges and Providing for An Increase in Such Salaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 93-303, Rev. Codes, 1947.

Section 1. That Section 93-303 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Salaries of district judges.

"Section 93-303. **Salaries of District Judges.** The annual salary of each district judge shall be *seven thousand five hundred ($7,500.00)* dollars."

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after December 1, 1952.

Approved February 27, 1951.

CHAPTER 85

An Act to Provide for the Assessment, Levy and Collection of Taxes On All Migratory Personal Property Brought, Driven or Coming Into This State After the Regular Annual Assessment Date of Such Property; Providing the Procedure Therefor; Requiring Owners or Agents to Give Notice of Intention to Drive or Bring Livestock Into This State or to Move Such Property From One County to Another, and Providing for the Division and Proration of Taxes in Certain Instances.

Be it enacted by the Legislative Assembly of the State of Montana:

Taxation of migratory personal property.

Section 1. Any migratory personal property, including livestock, brought, driven or coming into this state at any time during the year and which shall remain in the state for a period not less than thirty (30) days, shall be subject to taxation and shall be assessed for all taxes, levied or leviable for that year in the county in which the same shall thus be and remain, in the same manner and to the same extent, except as hereinafter otherwise provided, as though such property had been in the county on the regular assessment date; provided that such property has not been regularly assessed for the year in some county of the state,

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and provided further that nothing herein contained shall be construed into authority to assess or levy an additional tax against any merchant or dealer within this state on goods, wares or merchandise brought into the county to replenish the stock of such merchant or dealer, so long as such addition does not materially increase the inventory or stock which has been duly assessed to such merchant or dealer as of the regular assessment date; provided further that no factory, distributor, wholesaler or jobber shall ship to any merchant or dealer in the state any personal property without an order therefor; and provided also that this act shall not apply to motor vehicles brought, driven or coming into this state by any nonresident migratory bona fide agricultural workers temporarily employed in agricultural work in Montana where said motor vehicles are used exclusively for transportation of agricultural workers.

Assessment for taxation.

Section 2. The provisions of the Revised Codes of Montana, 1947, and all amendments heretofore made thereto, relating to the listing of personal property for assessment and the assessment thereof for taxation, shall apply to all such migratory personal property brought, driven or coming into this state after the regular annual assessment date as fully as though said property had been in the state on such assessment date, as of the date such property comes to rest and becomes a part of the general property within any county of this state.

Valuation.

Section 3. All property mentioned in the preceding section shall be assessed at the same value as property of like kind and character and in the assessment, levy and collection of the tax shall be governed by the provisions of Sections 84-4201 to 84-4211, inclusive, of the Revised Codes of Montana, 1947, as the same exist or are amended.

Property brought into county after July 1st — tax prorated.

Section 4. If such personal property is brought or driven or comes into any county before July first the tax shall be the full amount of the tax computed as provided above, but if brought, driven or coming into the county after July first the tax shall be prorated according to the ratio which the number of months remaining in said calendar year bear to the total number of months in said year. If said property is brought into the state after the

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fifteenth day of any month, such month shall be excluded in computing the number of months on which the tax is based; provided that, if any of the property assessed and taxed after the first Monday in March of any year shall remain in the same ownership and shall appear on the regular assessment rolls of the next succeeding year in the name of the original taxpayer, then the amount of the tax paid on such identical property and based on an assessment made after the first Monday in March, pursuant to this section, shall be credited upon the tax to be paid on such property for such next succeeding year.

Tax paid, when to be credited upon tax to be paid the succeeding year.

Section 5. The owner or the agent, manager or foreman of any person, corporation or association bringing livestock into this state after the first Monday in March shall immediately after said livestock crosses the state line, forward to the assessor of the county into which said livestock is moved, a registered letter, which letter shall inform said assessor of the name of the owner of such livestock, of the number thereof, the brand thereon, and the ages of the same, together with the time and place at which said livestock was brought across the state line, provided, that the Montana Livestock Sanitary Board shall at least once each month furnish, from its own records, to the assessor of the county into which such livestock is moved, a list of the number and kind of livestock so moved, together with the name of the owner thereof.

Duty of person bringing livestock into state after 1st Monday in March to inform assessor.

Livestock Sanitary Board required to furnish information to assessor.

Section 6. The county assessor upon the receipt of such letter or other information, that livestock has been brought into his county from outside of the state, after the first Monday in March in any year, shall immediately, personally, or by deputy, inspect said livestock for the purpose of taxation and proceed under the provisions of Section 84-4201, Revised Codes of Montana, 1947.

Assessor required to inspect livestock brought into state after 1st Monday in March.

Section 7. If any owner of livestock driven into the state as hereinbefore provided intends to move said livestock from the county of entry to another county of this state for grazing purposes, he shall file with the county assessor in the initial county a notice to that effect, giving the number and kind of livestock and the brand thereon, and the time he intends to graze such livestock in the second county, and the county assessor shall prorate the tax on such livestock in conformity with the provisions

Moving of livestock from county of entry to another — duty of owner.

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of Section 84-5202 to 84-5208, inclusive, of the Revised Codes of Montana, 1947.

Separability of Act.

Section 8. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid and inoperative.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 86

An Act to Amend Section 26-341 and Section 26-342 of Chapter 3 of Fish and Game Regulations of the Revised Codes of Montana of 1947 Relating to the Killing and Dressing of Game Animal, Game Fish or Game Bird.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 26-341, Rev. Codes, 1947.

Section 1. That Section 26-341 of the Revised Codes of Montana of 1947 be amended to read as follows:

Person killing game animal, fish or bird forbidden to waste carcass.

"Section 26-341. Any person who at any time kills, captures or destroys any game animal, *game fish or game bird* of this state, *excepting grizzly bear,* and detaches or removes from the carcass only the head, hide, antlers, tusks or teeth or any, or all of the aforesaid parts, *or waste any game fish or game bird* is guilty of a misdemeanor and punishable as provided by Section 26-324."

Amendment of Sec. 26-342, Rev. Codes, 1947.

Section 2. That Section 26-342 of Revised Codes of Montana of 1947 be amended to read as follows:

Failure to dress game animal, fish or bird — when it is prima facie evidence of violation.

"Section 26-342. The failure of any person or persons to properly dress and care for any game animal, *game fish or game bird* killed by such person or persons within twenty-four hours and take or transport to the camp of such person or persons such carcass within a reasonable time and there properly take care of the same shall be

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prima facie evidence of the violation of the provisions of this act. *This section shall not apply to grizzly bears.*"

Approved February 28, 1951.

CHAPTER 87

An Act to Amend Section 11-3123 of the Revised Codes of Montana, 1947, As Amended By Chapter 189 of the Laws of the Thirty-first Legislative Assembly, 1949, Relating to the Place Where the Council Shall Have Its Office; the Salaries and Compensation of the Mayor and Councilmen for Cities Operating Under the Commission Form of Government; Raising the Annual Salaries for the Mayor and Each Councilman; Changing the Population Limits and Fixing the Amounts Therefor in Cities of the First Class; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing Effective Date As of Date of Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 11-3123, Rev. Codes, 1947, as amended.

Section 1. That Section 11-3123 of the Revised Codes of Montana, 1947, as amended by Chapter 189 of the Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is hereby amended to read as follows:

Place of office of councilmen.

"Section 11-3123. **Place of Office of Councilmen — Salaries and Compensation.** The council shall have their office at the city hall, and their total compensation shall be as follows: In cities of the third class having a population of less than three thousand (3,000), the annual salary of the mayor shall not exceed six hundred dollars ($600.00), and the annual salary of each councilman shall not exceed five hundred dollars ($500.00); in cities of the third class having a population of three thousand (3,000) or more, the annual salary of the mayor shall not exceed one thousand dollars ($1,000.00), and the annual salary of each councilman shall not exceed nine hundred dollars ($900.00); in cities of the second class, the annual salary of the mayor shall not exceed one thousand six hundred and fifty dollars ($1,650.00), and the annual salary of each councilman shall not exceed one thousand five hundred dollars ($1,500.00); in cities of the first class having a population of less than thirty thousand (30,000), the an-

Salaries of councilmen.

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nual salary of the mayor *shall not exceed four thousand five hundred dollars ($4,500.00), and the annual salary of each councilman shall not exceed three thousand eight hundred dollars ($3,800.00); in cities of the first class having a population of thirty thousand (30,000) and over, the annual salary of the mayor shall not exceed four thousand eight hundred dollars ($4,800.00), and the annual salary of each councilman shall not exceed four thousand dollars ($4,000.00).*

Increase of salary, effective date of.

"Any increase in salary occasioned by the advance in class or increase in population of any city shall commence with the month next after the publication of the census showing such advance in class or increase in population.

Salary of other officers or assistants.

"Every other officer or assistant shall receive such salary or compensation as the council shall by ordinance from time to time provide, payable in equal monthly installments.

salary of other employees.

"The salary or compensation of all other employees of such city shall be fixed by the council, and shall be payable monthly, or at such shorter periods as the council shall determine."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 88

An Act Providing for a License Tax By Cities and Towns on Trade Stimulators Including Punch Boards, Pull Cards, Articles and Similar Devices; Fixing the Amount of Such Tax, Prescribing the Method of Administration By Cities and Towns Subsequent to Passage and Approval of a Proper Ordinance, the Disposition of the Revenue from Said Licenses, Granting the Same Authority to Counties, Making Violation a Misdemeanor, Providing Penalties for the Violation of This Act, Repealing All Acts or Parts of Acts in Conflict Herewith and Fixing the Effective Date Upon Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

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Cities and towns may tax punch boards and other trade stimulators.

Section 1. All cities and towns are hereby authorized and empowered to levy a tax on trade stimulators including punch boards, pull cards, articles and similar devices as referred to in and as specified in Title 84, Sections 5701 and 5702 of the Revised Codes of Montana, 1947, or any amendment thereof, by ordinance duly passed by such city or town after the effective date of this act.

Exhibition of trade stimulator in any city or town without affixing thereon a use stamp, if such city has passed such a tax ordinance, forbidden.

Cancellation of stamp.

Tax rate.

Penalty for violation.

Seizure of article for evidence.

From and after the passage and approval of such city or town ordinance no such article or trade stimulator shall be exhibited, nor shall any person, firm, association or corporation be interested in the exhibiting of the same, or exhibit the same or cause same to be exhibited in such city or town without having affixed thereon in a conspicuous place a use tax stamp placed thereon by the exhibitor showing the payment of such use tax. Said use tax shall, at such time, be simultaneously cancelled by said exhibitor indicating by unerasable writing over the face thereof, identified by his initials and the date of cancellation on each stamp. Such use tax stamp will show that a special tax has been paid thereon at the true rate hereby levied and imposed, viz., the sum of two per cent (2%) of the value of the total number of such tabs, tickets, pellets, punches or similar things on the board or the full cash return of such trade stimulators to the exhibitor, as computed by the purchase price posted by the exhibitor as the going price of each numbered ticket, variegated symbol, token or its equivalent; any violation of such ordinance, failure to purchase and have affixed and/or cancelled such use tax stamps, re-use of cancelled stamp on other than the original trade stimulator, or permitting minors to patronize a trade stimulator, shall be a misdemeanor and any person, firm, association or corporation found guilty of the violation of such ordinance shall be guilty of such misdemeanor and upon conviction shall pay a fine of not to exceed three hundred dollars ($300.00) for each separate offense or by imprisonment in the city jail for a period of not to exceed ninety (90) days, or by both fine and imprisonment. Any police officer encountering any such article without such stamps affixed thereto shall take possession of such article and same may be used as evidence of such violation.

Design and denomination of stamps.

Such city or town treasurer is hereby authorized and empowered, subject to passage of said ordinance, to pro-

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vide such use tax stamps, in such design, title, forms and denominations as will be appropriate, and to collect the moneys therefor, and shall within thirty (30) days thereof place the proceeds from the sale of such use tax stamps to the general fund of such city or town; provided, however, that out of said proceeds there shall be paid, on claims regularly presented against such city or town, and approved by the proper officials of such city or town, the costs and expenses of administering the provisions of this act.

Collection and disposal of proceeds of sale of stamps.

Section 2. Counties are hereby given the same authorization to levy and collect a like tax in like amount on all trade stimulators as specified herein exhibited outside the corporate limits of cities and towns and county commissioners, county treasurers and sheriffs are hereby given the same authority granted to city administrators and officers.

Counties authorized to levy and collect a like tax on stimulators exhibited outside of any city.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1951.

CHAPTER 89

An Act Providing for the Repeal of Section 75-2510 of the Revised Codes of Montana, 1947, Which Act Provides for the Types of Certificates Established for the Purpose of Articulating With Neighboring States Having Similar Types of Certificates.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-2510 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Sec. 75-2510, Rev. Codes, 1947, repealed.

Section 2. This act shall be in full force and effect from and after the date of its passage and approval.

Effective date.

Approved February 28, 1951.

CHAPTER 90

An Act Providing for the Repeal of Section 75-1314 of

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the Revised Codes of Montana, 1947, Which Act Provides Examinations for Teachers' Certificates.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-1314 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed. Sec. 75-1314, Rev. Codes, 1947, repealed.

Section 2. This act shall be in full force and effect from and after the date of its passage and approval. Effective date.

Approved February 28, 1951.

CHAPTER 91

An Act to Amend Section 9 of Chapter 142, Laws of 1949, Providing for the Duration and Renewal of Certificates and Providing for the Rules and Regulations for Renewal to Be Formulated By the State Board of Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9, Chapter 142, Laws of 1949, be, and the same is hereby amended to read as follows: Sec. 9, Chap. 142, Laws of 1949, amended.

"Section 9. **Duration and Renewal of Certificates.** All certificates shall bear the date of the issue and, with the exception of emergency certificates which shall be valid for one year, shall expire after the first issue to any person two years from July 1 nearest such date of issue and may be renewed for periods of not more than five (5) years *in accordance with rules and regulations adopted by the State Board of Education.*" Duration and renewal certificates.

Approved February 28, 1951.

CHAPTER 92

An Act to Amend Part 4 of Section 75-107 of the Revised Codes of Montana, 1947, Which Act Provides for the Standards of Promotion to High School, the Accrediting of High Schools and Examinations By Eighth Graders to Determine Eligibility for High School Attendance.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 75-107 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State Board of Education — powers and duties.

"Section 75-107. **Powers and Duties.** The State Board of Education shall have power and it shall be its duty:

Control of all units of University of Montana.

"1. To have general control and supervision of the Montana State University, Montana State College, Montana School of Mines, Montana State Normal College, Eastern Montana State Normal School and Northern Montana College, all being units of the University of Montana. It is the purpose of this act that the said six (6) units of our university system shall be considered for all purposes one university.

Rules and regulations for the board.

"2. To adopt rules and regulations, not inconsistent with the constitution and the laws of this state, for its own government, and proper and necessary for the execution of the powers and duties conferred upon it by law.

Rules for government of state educational institutions.

"3. To provide, subject to the laws of the state, rules and regulations for the government of the affairs of the state educational institutions named in this section.

Standards of promotion to high schools and of accrediting.

"4. To prescribe standards of promotion to the high school department of all public schools of the state, and to accredit such high schools as maintain the standards of work prescribed by the board *on all such matters of promotion and accrediting. The board shall act upon recommendation given to it by the State Superintendent of Public Instruction.*

Recommendation by superintendent of public instruction.

Granting diplomas and honorary degrees.

"5. To grant diplomas to the graduates of all state educational institutions, where diplomas are authorized or now granted, upon the recommendation of the faculties thereof, and may confer honorary degrees upon persons, other than graduates, upon the recommendation of the faculty of such institutions.

Official seal.

"6. To adopt and use, in the authentication of its act, an official seal.

Keep record.

"7. To keep a record of its proceedings.

Annual report.

"8. To make an annual report on or before the first day of January in each year, which may be printed under the direction of the State Board of Examiners.

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"9. To appoint and commission experienced teachers as instructors in county institutes. Instructors in county institutions.

"10. To have, when not otherwise provided by law, control of all books, records, buildings, grounds and other property of the institutions and colleges named in this section. Control of records and property of colleges and institutions.

"11. To receive from the State Board of Land Commissioners, or other boards, or person or from the government of the United States, any and all funds, incomes and other property to which any of said institutions may be entitled, and to use and appropriate the same for the specific purpose of the grant or donation, and none other; and to have general control of all receipts and disbursements of any of said institutions. Receive funds and to use and appropriate them for the purposes of the grant or donation of such funds.

"12. To choose and appoint a president and faculty for each of the various state institutions named herein, and to fix their compensation. The board must appoint an executive head of the University of Montana and fix his term of office and salary, and shall prescribe generally his powers and duties. Such executive shall be ex officio a member of the executive board of each of the state educational institutions, but shall not be or act as president of said board, and he may, in his discretion attend each meeting of each of said executive boards and confer and cooperate with such boards, and perform such other and further duties as the State Board of Education may prescribe. Appointment president and faculty of state institutions, and executive head of university.

"13. To confer upon the executive board of each of said institutions such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees, as may be deemed expedient, and may confer upon the president and faculty such authority relative to the immediate control, and management, other than financial, and the selection of teachers and employees, as may by said board be deemed for the best interest of said institutions." Delegation of authority upon the executive board of institutions named in this Act.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval. Effective date.

Approved February 28, 1951.

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CHAPTER 93

An Act to Amend Section 9-209 of the Revised Codes of Montana, 1947, Relating to Budget and Tax Levy By Boards of County Commissioners for Public Cemetery Districts and Providing That the Tax Levied Shall Not Exceed Two (2) Mills On Each Dollar of Taxable Valuation On the Property in a Public Cemetery District, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 9-209, Rev. Codes, 1947.

Section 1. That Section 9-209 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Annual budget by board of cemetery trustees.

"9-209. The board of cemetery trustees shall annually present a budget to the board of county commissioners at the regular meetings as prescribed by law. The board of county commissioners must annually, at the time of

Levy of tax by county commissioners.

levying county taxes, fix and levy upon all property within said cemetery district, sufficient to raise the amount certified by the board of cemetery trustees to be raised by a tax on the property of said district. The tax so levied shall not exceed *two (2) mills* on each dollar of taxable valuation on the property of said district."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 94

An Act to Provide the Procedure to Be Followed in Distributing the Proceeds of Taxes Collected for Public Cemetery Districts, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The proceeds of taxes collected by the county treasurer for the public cemetery fund shall be disbursed

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to the various cemetery districts upon the submission of a claim by said cemetery districts to the board of county commissioners for their pro rata share of the proceeds of the taxes collected. Upon approval of said claim by the board of county commissioners the county clerk shall issue a trust fund warrant drawn upon the public cemetery fund and payable to each claimant.

Disbursing proceeds of taxes collected for public cemetery fund — procedure for.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 28, 1951.

CHAPTER 95

An Act to Define the Crime of Using United States Highways and State Highways As a Place for the Pasturage or Running of Livestock, Providing for Exceptions and Providing a Penalty for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful wilfully to occupy any part of the right of way of any United States highway or state highway, as the latter term is defined in Section 32-104 of the Revised Codes of Montana of 1947, as a place for grazing or running any livestock when such part of such right of way is fenced on each side by a fence not more than three hundred feet distant from the center line of such highway; provided this act shall not apply to livestock on such highway in transit or in charge of one or more herders; and provided further, such use of the highway shall not be deemed wilful with respect to any particular animal unless the owner of, or the person having the control of such animal, has been given at least twenty-four (24) hours' notice in writing of the presence of such animal on the highway by a highway patrolman or other peace officer, or unless the person charged habitually permits such use of such highway by livestock owned by him or under his control.

Grazing or running of livestock on federal or state highway under certain conditions made unlawful.

Section 2. This act shall not apply to such parts of highways as the state highway patrol shall designate and mark by proper signs, as being impracticable to exclude livestock, nor to such parts of fenced highways adjacent to

Act not applicable to certain parts of highways.

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open range where no highway device has been installed to exclude range livestock therefrom.

Penalty.

Section 3. Any person violating the terms of this act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than five dollars ($5.00), nor more than one hundred dollars ($100.00), for each offense.

Approved February 28, 1951.

CHAPTER 96

An Act Empowering a City or Town Council to Acquire Lots or Lands By Lease, Gift, Purchase or Condemnation for Use As Parking Areas for Motor Vehicles, and to Construct and Maintain Suitable Parking Facilities for the Use of the Public and for General Traffic Control, and to Make Charges for the Use of Such Facilities, and to Provide for the Payment of Such Facilities, and Authorizing the Pledging of All Revenues from Said Facilities and from Street Parking Meters of Such City or Town As Security for Bonds or Other Securities Issued in Payment for Such Facilities, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

City or town council authorized to acquire lands for parking area for motor vehicles.

Section 1. A city or town council shall have power to acquire by lease, gift, purchase or condemnation lots or lands for use as parking areas for motor vehicles, and to construct and maintain thereon or on any premises owned or under lease by such city or town suitable parking facilities for the use of the public and for general traffic control, and to make charges for the use of such facilities; and for the payment of such lots or lands and facilities to

Revenue bonds.

issue bonds or other securities payable in whole or in part from the revenues of any such parking lots or areas or parking facilities or from other sources, and to pledge, place a charge upon, or otherwise make available as additional security for the payment of such bonds or securities, any or all revenues from any or all street parking meters owned or to be owned and controlled by said city or town.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 28, 1951.

CHAPTER 97

An Act to Amend Section 4-410 of the Revised Codes of Montana, 1947, Relating to Content of License, Posting, Privileges, Transfer and Expiration of License Under the Montana Retail Liquor License Act; Creating Certain Property Rights in License and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4-410 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 4-410, Rev. Codes, 1947.

"4-410. **Contents of License — Posting — Privilege — Transfer — Expiration.** Every license issued under this act shall set forth the name of the person to whom issued, the location by street and number, *or other appropriate specific description of location if no street address exists,* of the premises where the business is to be carried on under said license, and such other information as the board shall deem necessary. *If the licensee is a partnership or if more than one person has any interest in the business operated under the license, the names of all persons in the partnership or interested in the business must appear on the license. Every license must be posted in a conspicuous place on the premises wherein the business authorized under the license is conducted and such license shall be exhibited upon request to any authorized representative of the board or to any peace officer of the State of Montana.* Contents of license.

"Any license issued under the provisions of this act shall be considered a privilege personal to the licensee named in the license and shall be good until the expiration of the license, unless sooner revoked or suspended. A license may be transferred to the executor or administrator of the estate of any deceased licensee when such estate consists in whole or in part of the business of selling liquor under a license and in such event the license may descend License as personal privilege of licensee. When license may be transferred to executor or administrator of estate of deceased licensee.

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or be disposed of with the business to which it is applicable under appropriate probate proceedings.

"In the event of a major loss or damage to licensed premises by unforeseen natural causes, or in case of expiration of lease of the licensed premises, or in the event of eviction or increase of rent by the landlord, in case of rented, licensed premises, or in case of proposed removal of license to premises as substantially suited for the retail liquor business as the premises vacated, the licensee may apply to the board for a transfer of the license to a different premises. The board may in its discretion permit a transfer in such cases if it appears to the board that such a transfer is required to do justice to the licensee applying for the transfer. The board shall in no event, nor for any cause, permit a transfer to a different premises where the sanitary, health and service facilities are less satisfactory than such facilities which exist or had existed at the premises from which the transfer is proposed to be made. Upon a bona fide sale of the business operated under any license the license may be transferred to a qualified purchaser. No transfer of any license as to person or location shall be effective unless and until approved by the board and any licensee or transferee or proposed transferee who operates or attempts to operate under any supposedly transferred license prior to the approval of such transfer by the board, endorsed upon the license in writing, shall be considered as operating without a license and the license affected may be revoked or suspended by the board. The board shall not in any event permit the transfer of any license beyond the quota area within which such license was originally issued. Any such license which is not within a quota area may not be transferred to any premises within a quota area.

Transfer of license to a different premises.

Restrictions upon transfer.

"Except as above provided, no license shall be transferred or sold, nor shall it be used for any place of business not described in the license, provided however, that such license may be subject to mortgage and other valid liens, in which event the name of the mortgagee, upon application to and approval of the board, must be endorsed on the license. All licenses shall expire at midnight of June thirtieth of each year."

License may be subject to mortgage or other lien.

Expiration date.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 28, 1951.

CHAPTER 98

An Act to Amend Section 71-219 of the Revised Codes of Montana, 1947, Relating to Grants-in-Aid Based On Need and After Investigation; Providing That Casual, Periodic or Occasional Income Shall Not Be Taken from Grants, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 71-219 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read: Amendment of Sec. 71-219, Rev. Codes, 1947.

"71-219. **Grants-in-aid Based on Need and After Investigation.** *Subject to review by the county board the staff of the county department shall determine grants and changes in grants,* based on the needs of each applicant, *after investigation in accordance with the rules and regulations and standards of assistance prescribed by the state department. In determining the amount of grants, casual, periodic or occasional income shall not be deducted from the grant, nor shall such income render a recipient ineligible for assistance, unless such income equals or exceeds the monthly assistance grant of the recipient.*" Grants-in-aid based on need and after investigation.

Section 2. That all acts and parts of acts in conflict herewith are repealed. Repealing clause.

Approved February 28, 1951.

CHAPTER 99

An Act to Amend Section 81-803 of the Revised Codes of Montana of 1947, Relating to Granting of Easements for Public Purposes On State Lands to Provide a Method of Application When the Purpose of the Application Is for the Transmission of Electric Energy.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amendment of Sec. 81-803, Rev. Codes, 1947.

Section 1. That Section 81-803 of the Revised Codes of Montana of 1947, be, and the same hereby is amended to read:

Easement on state lands — application for.

"81-803. **Easements on State Land — Application for — Action On.** (1) Application for easement on state land must be made to the state board of land commissioners and shall describe the proposed right of way according to survey, show the necessity for the proposed highway or street or other easement and give such additional information as the board may require. This application shall be accompanied by two exact copies of the official plat of the proposed highway, street or other easement duly verified by the affidavit of the county surveyor or county or city engineer, or other engineer having prepared the same, endorsed thereon. These plats shall show the quantity of land taken by the proposed highway or street or other easement for each forty-acre tract or government lot of state land over or through which it passes and also the amount of land remaining in each portion of such forty-acre tract or government lot. When deemed necessary by the board, the aforesaid plats shall show all these facts for such smaller subdivisions as the circumstances may render desirable for the state. *Provided, however, that when the purpose of the right of way applied for is the transmission or distribution of electric energy, the aforementioned plats and measurements need not be given, except the description of the location of the center line of the right of way by courses and distances, and the entire right of way may be applied for in one application with only one plat of the entire right of way required. Provided further that easements granted under the provisions of this act shall be considered as including permission to install and maintain anchors and other appurtenances necessary for the mechanical support of the transmission or distribution lines.*

Application for right of way for transmission or distribution of electric energy.

"(2) Upon the filing of such application and plats, the commissioner of state lands and investments shall whenever he deems it necessary cause the proposed right of way to be viewed and examined by the chief field agent or some assistant field agent who shall report his findings to the board. The board shall thereupon consider the application and report and take such action as it deems proper, including the fixing of compensation and damages

Amount of compensation to be paid to state if application is granted.

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to be paid to the state. The compensation so fixed shall be the full market value of the estate or interest disposed of through the granting of such right of way easement, and the damages shall be the actual damages resulting to the remaining land as nearly as the same can be ascertained. If the right of way is granted according to the plat, then such plat shall become the official plat thereof, and shall be retained in the office of the commissioner. The board shall cause right of way deeds to be issued for all such easements that it may hereafter grant upon full payment therefor being made.

When state land, over which right of way is applied for, is under certificate of purchase or sales contract — procedure.

"(3) If the state land over or through which such right of way is applied for, is under certificate of purchase or under sales contract, the purchaser, or his assignee, must be made a party to the proceedings, and his consent in writing to the laying out and establishment of the proposed highway and to the amount of compensation and damages to be paid must be filed with the board before such right of way shall be granted. The board shall be the judge of how much of such compensation and damages shall be paid to the state and applied on the certificate of purchase or sales contract and of how much thereof, if any, shall be paid to the purchaser, as the circumstances in each individual case may warrant. The provisions of this paragraph shall apply to all grants of rights of way on state lands."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 100

An Act to Amend Section 16-912 of the Revised Codes of Montana, 1947, As Amended By Chapter 4, Laws of 1949, Relating to Compensation and Mileage of County Commissioners, Providing for An Increase in Such Compensation and Mileage, and Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing When Such Act Shall Go Into Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amendment of Sec. 16-912, Rev. Codes, 1947, as amended.

Section 1. That Section 16-912 of the Revised Codes of Montana, 1947, as amended by Chapter 4 of the Laws of 1949, be, and the same is hereby amended to read as follows:

Compensation of members of board.

"Section 16-912. **Compensation of Members of Board.** Each member of the Board of County Commissioners is entitled to *twelve* dollars *($12.00)* per day for each day's attendance on the sessions of the board, and seven cents (7¢) per mile for the distance necessarily traveled in going to and returning from the county seat and his place of residence, and no other compensation must be allowed."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from July 1, 1951, but shall not in any manner affect the salaries or mileage of those county officers who are in office at the date such act goes into effect, such officers being entitled to the same salaries they are receiving at the date this act takes effect for the remainder of the terms for which they were elected.

Approved February 28, 1951.

CHAPTER 101

An Act to Enable Incorporated Cities and Towns to Acquire, Operate, and Lease Motor Busses and Bus Lines for the Transportation of Passengers; Providing for Borrowing Money or Issuing Bonds for the Purchase of the Same; Providing for a Vote of the Taxpayers; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Incorporated cities and towns enabled to acquire, operate and lease busses for transportation of passengers, and to borrow money money or issue bonds for such purpose.

Section 1. Whenever a city or town is not being served by a bus company or operator, operating on a regular schedule, and under the jurisdiction of the Montana Railroad and Public Service Commission or if such service is to be discontinued in the immediate future, the city or town council of any incorporated city or town shall have the power to contract an indebtedness of any such city or town upon the credit thereof by borrowing money or

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issuing bonds for the purchase, development, operation or leasing of motor busses and bus lines for the transportation of passengers within the corporate limits of such cities and towns, and to operate the same to any point or points beyond said limits not to exceed eight (8) miles, measured along the route of said bus line; provided that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness must not at any time exceed three per centum (3%) of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes, and provided further, that no money must be borrowed or bonds issued for the purposes herein specified until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof.

Limit of indebtedness.

Proposition to borrow money, or to issue bonds must be first submitted to vote of taxpayers.

Section 2. The said city or town council shall have authority to provide for the management and operation of said system; and to do all the things necessary for the successful operation of said transportation system. Such operations shall be subject to all the provisions of the Motor Carrier Act (Sections 8-101 to 8-129, Revised Codes of Montana, 1947) except that such municipality may be issued a certificate of public convenience and necessity without proof of the existence of public convenience and necessity, and except that the municipality shall be exempt from the payment of fees provided by Sections 8-116 and 8-127, Revised Codes of Montana, 1947.

Applicability Motor Carrier Act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after the date of its passage and approval.

Effective date.

Section 5. **Constitutionality.** If any part or parts of this act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Separability of Act.

Approved February 28, 1951.

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CHAPTER 102

An Act to Amend Section 84-607, Revised Codes of Montana, 1947, Relating to Hearings Before the County Board of Equalization, and Providing for the Furnishing By the Assessor to the Board of a Written Statement Showing the Basis for the Valuation of Property; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-607, Rev. Codes, 1947.

Section 1. That Section 84-607 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Duty of assessor in relation to hearing before county board of equalization.

"84-607. **Assessor to Be Present — Statement of Property Not Assessed.** During the session of the board the assessor and any deputy whose testimony is needed must be present and may make any statement, or introduce and examine witnesses on questions before the board, *and shall, when requested by the board or any party to the proceeding, furnish to the board a written statement showing the basis for his valuation of the property under consideration at the hearing; and shall, when requested by the board or any party to the proceeding, furnish to the board a written statement showing the basis for his valuation of any comparable property in the vicinity of the property under consideration at the hearing.* At said meeting of the board of equalization the county assessor shall present to said board a statement setting forth all property which has escaped assessment or which, by reason of erroneous reports or otherwise, has been assessed for less than its correct value; thereupon it shall be the duty of said board immediately and while sitting as a board of equalization, to investigate said statement, and in the event that any property owner has been assessed for property at a smaller amount or at a less valuation than should properly have been given, said board shall correct such assessment in the manner provided for the correction of assessments by the board of equalization."

Written statement by assessor.

Correction of assessment.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

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CHAPTER 103

An Act to Amend Section 46-1501 of the Revised Codes of Montana, 1947, Relating to Creation of Herd Districts and Their Size, Location and Dissolution; to Provide That the Entire Holdings of Any Owner or Lessee Must Be Included, Unless Such Owner or Lessee Consent That Less Than His Entire Holding Be Included.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 46-1501, Revised Codes of Montana, 1947, be, and the same hereby is amended to read:

Amendment of Sec. 46-1501, Rev. Codes, 1947.

"46-1501. **Herd Districts — Creation, Size, Location — Dissolution — Exclusion of Government Land — Records.**

"(a) Herd districts may be created in any county in the State of Montana to contain fifty-four square miles or more, lying not less than three miles in width, outside of the incorporated cities; excepting only that herd districts may be created containing not less than six nor more than fifty-four square miles, lying not less than two miles in width, when such territory joins and is contiguous with the boundaries of a city having a population of ten thousand or more and such territory so to be created in a herd district has a suburban population of not less than two hundred people; upon petition of owners or possessors of fifty-five per centum (55%) of the land in such district, and providing twenty-five per centum (25%) or more of the land in such district is in actual cultivation.

Creation of herd districts and size thereof.

Location.

Petition.

"*In formation of such a district the entire holding of any owner or lessee must be included unless such owner or lessee consent that less than his entire contiguous holdings be included in the petition.* And such petition shall designate the months of the year when herd district is effective, and upon presentation and filing of such petition, properly signed, giving outside boundaries and description of proposed district and the post office address of the signers thereto, with the clerk and recorder in the county in which the said district is being created, the county commissioners of such county, upon receipt thereof, shall set a date for hearing protests and verifying the signatures thereto, and shall give not less than twenty days' notice of the same by three publications in a news-

Entire contiguous holdings shall be included except by consent of owner.

Contents of petition.

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Hearing before county commissioners:

paper of general circulation in the county of the proposed district. *At the hearing held pursuant to such notices the county commissioners shall examine the petition and shall cause a map to be made in order to determine the shape and regularity of the boundaries of the proposed district. The said commissioners may then establish the district, but such district shall be established only in such manner that the district will be reasonably regular and symmetrical in shape, or practicable in relation to the geographical features of such district.*

Shape of district.

"Should it appear to such county commisisoners after such hearing that the signatures attached to such petition were genuine, they shall immediately declare such herd district created and established; after which the county commissioners must give notice by four weekly publications in some newspaper nearest the district of the creation of such districts, also stating period such districts will be in effect, and such districts shall not be in effect until thirty days have expired after the order. Upon petition of any owner or possessor of lands lying contiguous and adjoining any herd district theretofore created, and upon like hearing and notice as hereinabove provided for, such lands shall be included in said herd district and become a part thereof. Should the signature of lessee appear on the petition creating or abolishing any herd district, the owner or owners of said land may appear either in person or agent and enter their protest. And the board of county commissioners shall remove the name of the lessee from said petition, and no person shall be permitted to withdraw his name after the hour set for hearing same.

Publication of notice that district has been created, effective at date specified.

Inclusion in district of contiguous lands.

Dissolution of established district.

"(b) When a petition praying that any established herd district be dissolved is filed with the county clerk and recorder of the county wherein such district has been established, and it is set forth therein that such petition is signed by the owners or possessors of fifty-five per cent (55%), or more of the lands lying within such district, and that less than twenty-five per cent (25%) of the lands included in such district is in actual cultivation, the said county clerk and recorder shall call such petition to the attention of the board of county commissioners of the county at its next regular meeting; and at said meeting by its order the said board shall set such petition for hearing at a specified time on a day certain of which notice

Petition.

Notice of hearing.

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shall be given by publication at least once in each week for three successive weeks in some newspaper of general circulation in the county.

"At the time fixed for hearing the board of county commissioners shall first require proof of publication of the notice of said hearing to be made and thereafter shall consider the petition and hear all interested parties. At the conclusion of any such hearing if the board of county commissioners shall find that notice of the hearing has been given in the manner and for the time prescribed herein and that the owners or possessors of fifty-five per cent (55%), or more of the lands lying within such herd district have signed the petition and request that such district be dissolved, and that less than twenty-five per cent (25%), of the lands included in such district are in actual cultivation, then the said board shall forthwith spread such findings upon its minutes and thereupon shall enter an order in terms that by reason of such findings and of the proceedings had upon such petition the said herd district is thereby dissolved. Forthwith upon the making and entry of any such order aforesaid the herd district affected thereby shall be dissolved for all purposes thereafter.

Necessary findings by commissioners.

"(c) Any tract of land embraced within any established herd district and which contains eighteen government sections of land, or more, so located that at least one-fourth of the perimeter of such tract coincides with the existing boundaries of such herd district, may be excluded therefrom upon proceedings had before the board of county commissioners of the county wherein the said district has been established on a like petition, notice and hearing and by a like order as in the case of proceedings for dissolving herd districts; provided that when the exclusion of any such tract of land from an existing herd district is sought the petition shall describe the tract to be excluded with common certainty and shall set forth that it is signed by the owners or possessors of fifty-five per cent (55%), or more of the lands lying within the boundaries of the tract to be excluded, and that less than fifteen per cent (15%), of the lands included in such tract is in actual cultivation; and provided further that in any such case if the board of county commissioners at the conclusion of the hearing had shall find that the tract of land to

Exclusion from established district of government land.

Procedure.

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be excluded conforms to the requirements of this section and that the allegations of the petition are true its findings to that effect shall be spread upon the minutes and the board shall thereupon enter its order in terms that by reason of such findings and of the proceedings had upon such petition the tract of land described in the petition which shall be further set forth with common certainty in the order is thereby excluded from such herd district for all purposes thereafter. Forthwith upon the making and entry of any such order of exclusion the tract of land therein described shall be deemed for all purposes thereafter to be excluded from and to form no part of the herd district affected thereby."

Approved February 28, 1951.

CHAPTER 104

An Act Authorizing and Empowering the State Board of Land Commissioners of the State of Montana to Sell and Convey Two Tracts of Land in the Northwest Quarter of Section Thirty-two, Township One North, Range Twenty-six East, MPM, Yellowstone County, Montana, Said Tracts of Land Being Described As Follows: Beginning At a Point in the Northwest Quarter of Section 32, Township 1 North, Range 26 East, MPM, Which Point Is 690 Feet West and 150 Feet South of the North Quarter Corner of Said Section 32; Thence West 718.5 Feet; Thence South 85°20′ East 770.1 Feet to the Westerly Right-of-Way Line of the Airport Road As Now Laid Out and Established; Thence Northwesterly Along Said Right-of-Way Line 72 Feet, More or Less, to the Point of Beginning, Containing .46 Acres, More or Less; and Beginning At a Point Which Is the Intersection of the South Boundary Line of the Billings Bench Water Association Canal and the Easterly Boundary Line of North Twenty-seventh Street, Billings, Montana; Thence Northeasterly Along the Southerly Right-of-Way Line of Said Canal 84.41 Feet, More or Less, to An Intersection With the Mid-section Line of Said Section 32, Township 1 North, Range 26 East, MPM; Thence South 0°09′ West Along Said Mid-section Line 137.1 Feet to An Intersection With the Easterly Boundary of North Twenty-seventh Street, Billings, Montana; Thence North

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34°36′ West Along the Easterly Boundary Line of Said North Twenty-seventh Street 144.56 Feet, More or Less, to the Point of Beginning, Containing .13 Acres, More or Less, Which Said Tracts of Land Were Acquired By the State of Montana as a Part of the Site for the Eastern Montana Normal School, Now Eastern College of Education, But Which Are Isolated Tracts Separated By Highways and Not Adaptable for Any Use By Said College; Providing for Appraisal of Said Land; Providing for Sale at Public Auction in Billings; Providing for Publication of Notice of Sale; Providing Costs of Sale and All Expenses Incidental Thereto Shall Be Paid Only Out of Proceeds from Sale; and Providing the Net Proceeds of Sale Shall Go to the State General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Land Commissioners authorized to sell two tracts of land in Yellowstone county.

Section 1. The State Board of Land Commissioners of the State of Montana is hereby authorized and empowered to sell to the highest qualified bidder at public auction at the Yellowstone county court house in Billings, Montana, and convey for cash the following described tracts of land, to-wit: A tract of land in the northwest quarter of Section 32, Township 1 north, Range 26 east, MPM, Yellowstone county, Montana, beginning at a point in the northwest quarter of Section 32, Township 1 north, Range 26 east, MPM, which point is 690 feet west and 150 feet south of the north quarter corner of the said Section 32, thence west 718.5 feet; thence south 85°20′ east 770.1 feet to the westerly right-of-way line of the airport road as now laid out and established; thence northwesterly along the said right-of-way line 72 feet, more or less, to the point of beginning, containing .46 acres, more or less; and a tract of land in the northwest quarter of Section 32, Township 1 north, Range 26 east, MPM, Yellowstone county, Montana, beginning at a point which is the intersection of the south boundary line of the Billings Bench Water Association canal and the easterly boundary line of North Twenty-seventh street, Billings, Montana; thence northeasterly along the southerly right-of-way line of said canal 84.41 feet, more or less, to an intersection with the midsection line of Section 32, Township 1 north, Range 26 east, MPM; thence south 0°09′ west along said mid-section line 137.1

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feet to an intersection with the easterly boundary of North Twenty-seventh street, Billings, Montana; thence north 34°36′ west along the easterly boundary line of said North Twenty-seventh street 144.56 feet, more or less, to the point of beginning, containing .13 acres, more or less for the best interests of the State of Montana. Said board shall cause said tracts to be appraised by the chief field agent or a deputy field agent prior to such sale and said tracts shall not be sold for less than the appraised value. The tracts above described were acquired by the State of Montana as a portion of the site for Eastern Montana Normal School, now Eastern College of Education, and are not now being, and have not been, and will not be, used for such purpose.

Approval of sale.

Section 2. The sale herein provided shall be subject to to the approval and confirmation of the State Board of Land Commissioners and shall not be deemed completed until after such approval and confirmation. The State Board of Land Commissioners is authorized to reject any and all bids.

Board of Land Commissioners may elect to plat said land into lots and blocks.

Section 3. If the State Board of Land Commissioners shall determine it for the best interests of the state for the above-described lands to be surveyed, platted and laid off into lots and blocks, said board is hereby authorized and empowered to proceed in accordance with the provisions of Titles 81-904 and 81-905, Revised Codes of Montana, 1947.

Notice of sale — publication.

Section 4. When directed by the State Board of Land Commissioners, the Commissioner of State Lands shall cause publication of notice of such sale to be made as provided in Title 81-910, Revised Codes of Montana, 1947, and, in addition, shall set forth the appraised value of the tracts to be sold, together with a statement said tracts will not be sold for less than said appraised value. The public auction sale shall be held not less than ten nor more than twenty days after the last publication of notice of sale.

Costs and expenses of sale.

Section 5. Expense of conducting the sale, publication costs, survey and platting fees and charges if the land be platted and surveyed, and all other costs necessary and incidental to such sale shall be paid only out of the proceeds from the sale. After all such expenses and costs are paid, the net proceeds of the sale shall be deposited

Net proceeds.

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with the state treasurer and credited to the state general fund.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 7. This act shall be in full force and effect from and after its passsage and approval. Effective date.

Approved February 28, 1951.

CHAPTER 105

An Act to Amend Sections 11-3135 and 11-3136 of the Revised Codes of Montana, 1947, Relating to Commission Form of Government; Providing That Petition Signed By Ten Percent (10%) of the Qualified Electors May Demand An Election to Abandon Such form of Government, and Providing for Requirements of Petitions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-3135 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 11-3135, Rev. Codes, 1947.

"Section 11-3135. **Abandonment of Commission Form.** Any city which shall have operated for more than one year under the provisions of this act may abandon such organization hereunder and accept the provisions of the general law of the state then applicable to cities of its population. Abandonment of commission form.

"Upon the petition of not less than *ten percent (10%)* of the electors of such city registered for the last preceding general election, the following proposition *shall be placed upon the ballot at the next regular city election, provided the petition be filed at least sixty (60) days prior to the date of such election:* Petition. Election ballot.

'Shall the city of (name of city) abandon its organization under Chapter 57 of the Acts of the Twelfth Legislative Assembly and become a city under the general law governing cities of like population; or if formerly organized under special charter shall resume said special charter?'

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Result of election.

"If the majority of the votes cast at such election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of the state, but such change shall not in any manner or degree affect the property, rights, or liabilities of any nature of such city, but shall merely extend to each change in its form of government.

Applicability of Sec. 11-3132, Rev. Codes, 1947.

"The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared, generally as provided for by Section 11-3132 of this code, in so far as the provisions thereof are applicable; or if now organized under special charter, may resume said special charter. Whenever the form of government of any city is determined by a vote of the people under

New election.

the provision of this section, the same question shall not be submitted again for a period of two (2) years, and any ordinance adopted by a vote of the people shall not be repealed or the same question submitted for a period of two (2) years."

Amendment of Sec. 11-3136, Rev. Codes, 1947.

Section 2. That Section 11-3136 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Requirements of petition.

"Section 11-3136. **Requirements of Petitions.** Petition provided for in this act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 106

An Act to Repeal Sections 75-4513, 75-4229 of the Revised

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Codes of Montana, 1947; and to Amend Sections 75-4230, as Amended by Chapter 146 of the Session Laws of the Thirty-first Legislative Assembly, and 75-4231 of the Revised Codes of Montana, 1947, Relating to Attendance Outside of County of Pupils' Residence and the Transfer of Apportionments in Connection Therewith and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Repeal of Sections 75-4513 and 75-4229, Rev. Codes, 1947.

Section 1. That Sections 75-4513 and 75-4229 of the Revised Codes of Montana, 1947, hereby are repealed.

Amendment of Sec. 75-4231, Rev. Codes, 1947.

Section 2. That Section 75-4231 of the Revised Codes of Montana, 1947, hereby is amended to read as follows:

Powers and duties of boards of trustees.

"75-4231. **General Powers and Duties of Boards of Trustees.** The board of trustees of every county high school and of every school district maintaining a district high school shall have the power, and it shall be its duty:

Keep records.

"1. To keep a full and permanent record of all the acts of the board and of all warrants issued against funds disbursed by it; and to pay out money only upon warrants drawn against the funds of the high school, each warrant specifying upon its face the specific purpose for which it is drawn and the disbursement represented thereby, and to keep a separate set of books for all receipts and disbursements for high school purposes, which said books must be kept in accordance with the rules and regulations to be prescribed by the State Superintendent of Public Instruction.

Pay out money.

Acquire real estate.

"2. (a) At its discretion as restricted by law to purchase, or otherwise acquire, real estate to be used as a site or sites for a high school, high school dormitories, high school gymnasiums, and other high school buildings, or for any proper high school purposes, and to sell and dispose of the same; at its discretion as restricted by law to build, purchase, or otherwise acquire, a high school building, high school dormitories, high school gymnasiums, and other buildings necessary for the high school, and to sell, move and dispose of the same; at its discretion as restricted by law to lease or contract with the board of trustees of any school district, or with any person, for suitable buildings or quarters to be used for any high school purposes or as

Construct or acquire buildings.

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a high school dormitory or gymnasium, and for such term not exceeding three (3) years as the board may deem for the best interests of the high school; at its discretion as restricted by law to purchase, or otherwise acquire, all necessary and appropriate equipment and supplies for the conduct, operation and administration of the high school, including high school dormitories and gymnasiums; at its discretion as restricted by law to make all contracts and to do all things necessary to carry out or execute all or any of the powers herein specified and conferred upon the board; provided, all boards of trustees of county high schools, or districts maintaining high schools, shall be prohibited from letting any contracts for building, furnishing, repairing or other work for the benefit of the school, or purchasing supplies for said school, where the amount involved is seven hundred fifty dollars ($750.00), or more, without first advertising in a newspaper published in the county for at least two (2) weeks, calling for bids to perform such work, and the board shall award the contract to the lowest responsible bidder; provided further, that the board of trustees shall have the right to reject any or all bids; provided that these provisions shall not apply in case of extreme emergencies.

Acquire equipment and supplies.

Bids required, when.

"(b) But the board shall exercise no power whatsoever conferred upon it or this subdivision 2 whereby obligations are assumed or an indebtedness created in excess of the funds on hand, belonging to the high school, and not otherwise appropriated, or available to the board from the collection of taxes actually levied for the current year, or from the sale of bonds already authorized; and the power of the board to purchase, or otherwise acquire, or to sell, or dispose of, a site or sites for a high school, high school dormitories, high school gymnasiums, or other high school buildings, or for any proper high school purpose, or to build, purchase, or otherwise acquire, a high school building, high school dormitories, high school gymnasiums, or other buildings necessary for the high school or to sell, move or dispose of the same, shall be exercised only at the direction of a majority of the qualified electors of the county in the case of a county high school, or of the district in the case of a district high school, voting at an election to be called by the board, and otherwise noticed, conducted, canvassed and returned in the same manner as the annual

Limitations upon powers of boards.

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election of school trustees in school districts of the first class.

"(c) Provided, however, that where a site or sites for a high school, high school dormitories, high school gymnasiums or other high school buildings or for any other proper high school purposes is contiguous to a site upon which there exists a high school building erected and in use for high school purposes, the board may purchase or otherwise acquire such contiguous site or sites without calling for a vote of the qualified electors of the county, in the case of a county high school, or the district, in the case of a district high school, and upon the making of such a purchase of, or otherwise acquiring, such site or sites, the board may enter into a contract or obligation providing for the purchase of said site or sites by deferred payments and may incur indebtedness for the whole or any part of said purchase price and shall not be restricted in the terms of said contract or the amount of said purchase price except that the amount of the indebtedness incurred shall not exceed ten thousand dollars ($10,000.00) as to principal and interest; provided further, however, that before making any such purchase the board shall duly pass a resolution declaring such lands, to be purchased necessary for school purposes of said district, and provide for the purchase thereof; provided further, that notice of the meeting at which said resolution is to be considered for final adoption and of the proposed passage of said resolution shall be given as provided by law for notices of election of trustees, at which meeting the electors of said district shall have the right to be present and to protest the passage of said resolution.

Purchase of contiguous sites.

"(d) If at the hearing on such resolution protests against the adoption of the same shall be made and board of trustees shall adopt the same over such protests, the resolution shall not become effective for fifteen (15) days after the date of its adoption, during which time any taxpayer or taxpayers may appeal to the district court by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the clerk or secretary of the board of trustees. Said petition shall set forth in detail the objections of the petitioners to the adoption of such resolution or to the purchase of the property as provided for in said resolution. The service

In case of protests — procedure.

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and filing of said petition shall operate to stay such resolution until final determination of the matter by the court. Upon the filing of such petition the court shall immediately fix a time for hearing the same which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination shall be final.

In case of county high school — principal.

"3. In the case of a county high school, to employ for a period of not exceeding two (2) years some person as principal of the county high school who shall possess the qualifications required of a district superintendent of schools and who shall have charge of the county high school and whose tenure shall be the same as that of a district superintendent, except that the term shall be two (2) years instead of three (3).

District high schools, superintendent and/or principal.

"4. In the case of a district high school, to employ for a period of not exceeding three (3) years some person as district superintendent and/or principal of schools who shall possess the qualifications required by law and who shall have charge of the district high schools.

Assistants and teachers.

"5. To employ such assistants and teachers upon the recommendation of the county high school principal or district superintendent or principal as the board may deem necessary for the proper conduct of the school, provided, however, that the assistants and teachers employed shall be possessed of the qualifications prescribed by the State Board of Education.

To fix salaries.

"6. To fix the salaries and compensation to be paid to the principal or district superintendent and assistants and teachers employed.

To adopt courses of study.

"7. To adopt on the recommendation of the county high school principal or district superintendent or principal such courses of study as will adequately and properly fit the graduates of the high school for admission to any of the state institutions of higher education or any other course of study approved by the State Board of Education, provided, however, that such courses of study shall in any event conform to the standards prescribed by the State Superintendent of Public Instruction under Section 75-4220.

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"8. To admit to the high school without payment of tuition any pupil residing within the county and eligible for admission to high school under the rules and regulations of the State Board of Education. To admit resident students without tuition.

"9. In its discretion to admit to the high school any pupil residing in another county whose transfer is not authorized by Section 75-4230 upon the payment of such tuition as the board may fix, subject to any restrictions otherwise imposed by law, and provided that such pupil is eligible for admission to high school under the rules and regulations of the State Board of Education. But no such pupil shall be admitted to the high school or permitted to continue in attendance thereat to the exclusion of pupils residing in the county wherein the high school is located. To admit non-resident pupils.

"10. To provide by contract, purchase, or otherwise, for free text books and all necessary and requisite school supplies, furniture, furnishings and equipment, for the repair of high school buildings and property, and for other needs of the high school, including dormitories and gymnasiums, grounds, faculty or school board, but subject at all times to the restrictions imposed by subdivision 2 of this section, or otherwise by law. To provide free text books and supplies.

"11. To rent, lease and let to such persons and entities as the board may deem proper the high school halls, gymnasiums, buildings, and parts thereof, for such time and rental as the board may designate, and to pay over to the county treasurer all sums collected on account of such letting for the credit of the high school. To rent and let high school halls.

"12. To close the high school at its discretion during the annual session of the State Teachers' Association and to allow the principal or district superintendent and teachers to attend such annual session without loss of salary. May permit teachers to attend sessions of teachers' associations.

"13. To make such reports from time to time as the county superintendent of schools, the State Superintendent of Public Instruction or the State Board of Education may require. Reports.

"14. To equip, operate and maintain a high school dormitory or dormitories, for the use of the teachers and/or pupils of the school; to employ a suitable matron to take charge of, direct and supervise any such dormitory and such other employees as may be necessary; and to set aside Dormitories.

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out of the general funds of the high school a sum not exceeding one hundred dollars ($100.00), to be designated as the dormitory petty cash fund, which shall be placed at the disposal of the matron for the purpose of paying incidental petty expenses necessarily incurred from time to time in the operation of the dormitory, and to replenish such fund as the same may become exhausted, provided, however, that the matron shall keep an accurate and detailed account of her administration of the dormitory petty cash fund in such form as the state examiner may prescribe, and shall take proper receipts covering every disbursement made by her from such fund, and provided further that no single account or item paid by her out of the said fund shall exceed in amount ten dollars ($10.00).

Further general powers.

"*15.* To transact all business, to make and execute all contracts, to acquire, hold and dispose of all property, whether real or personal, in the name of the county or school district, as the case may be; and generally to have, possess, exercise and enjoy all powers and authority necessary to execute the specific powers, and to discharge the particular duties hereinbefore conferred and imposed upon the board; but nothing contained in this section shall be deemed or construed to confer any power or authority upon any board contrary to the provisions of Sections 75-1637 and 16-807, in any case where the provisions of these sections, or either of them, would otherwise be applicable."

Amendment of Sec. 75-4230, Rev. Codes, 1947, as amended.

Section 3. Section 75-4230 of the Revised Codes of Montana, 1947, as amended by Chapter 146 of the Session Laws of the Thirty-first Legislative Assembly, be, and it hereby is amended to read as follows:

Attendance outside of county of pupil's residence.

"Section 75-4230. **Attendance Outside of County of Pupil's Residence—Transfer of Apportionments.** The attendance of any eligible high school pupil at an accredited high school outside of the county of his residence, either within or without the state, must be authorized by the county superintendent of schools of the county of his residence *when a pupil lives closer to a high school of an adjoining county than to any high school located in the county of his residence, or when due to road or geographical conditions it is impractical to attend the high school of his own district, and when proper application has been made to the county superintendent of schools by the parent or guardian of the pupil for whom such transfer is desired;*

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provided, that the county superintendent of schools may at his discretion require a pupil obtaining such transfer to attend the high school nearest his residence.

"In all other cases the county superintendent of schools may authorize at his discretion any eligible pupil to attend a high school in a county outside of his residence.

Attendance in another state.

"No payment shall be made for attendance in another state except where such attendance is in a high school in a county adjacent to the county of the student's residence.

Attendance outside county of residence — application for permission; procedure.

"Application for permission to attend a high school outside the county of residence shall be made to the county superintendent of the county of the pupils' residence before July 1, previous to the year of attendance, except in those cases where circumstances make this impossible. The county superintendent must then approve or disapprove these applications and notify the individuals concerned, and the high school to be attended, and the county superintendent of the county where the pupil will attend school. At the end of the school year attended and before July 15, the clerk of the school district operating the high school attended shall send to his county superintendent the name of all pupils from outside of the county attending his school, together with such pupils' home addresses and the number of days such pupils actually attended his high school, who in turn will transmit this information to the county superintendent of the pupils' residence.

Tuition — obligation of county of residence.

"Tuition for the year attended is hereby made an obligation of the county of residence for the following year. Before August 1 each year, the county superintendent of the county of residence of the pupils concerned shall make out a high school transfer budget. The total of such transfer budget shall be determined by multiplying the number of pupils attending high school outside of his county by one hundred fifty dollars ($150.00) in the case of attendance at a high school with an average number belonging up to one hundred (100) pupils; one hundred twenty-five dollars ($125.00) in case of attendance at a high school with an average number belonging from one hundred one (101) to four hundred (400); and one hundred dollars ($100.00) in case of attendance at a high school with an average number belonging over four hundred (400); provided further, that the pupil has attended at least forty (40) days.

Transfer budget.

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"The total of the transfer budget shall be subtracted from the receipts from the county ten (10) mill levy for high schools before the remainder of such receipts is distributed to the high schools of the county. Such total of the transfer budget shall be held in a transfer fund separate and apart from other school funds and shall be allocated by the county treasurer upon instructions from the county superintendent.

Transfer fund.

Remittance by treasurer of county of pupil's residence.

"In December of each year the county superintendent of the county of the pupil's residence shall notify his county treasurer of the amount to be transferred to each high school educating the pupil concerned, and the said county treasurer shall forthwith remit said amounts to the county treasurer of the county in which such high schools are located. The county treasurer receiving such transfers of money shall place the amount to the credit of the general fund of the high school concerned. Receipts by any high school for tuition are to be used against the needs of the budget after county and state aid have been received.

Inmates of orphan's home attending high school in Twin Bridges.

"Whenever pupils are inmates of the Montana state orphans' home at Twin Bridges and attend the public high school in Twin Bridges, the latter school shall be reimbursed from the state public school equalization fund at the rate of two hundred fifty dollars ($250.00) for each such pupil; provided, however, that this amount of tuition is not to be considered as a part of state equalization aid. Application for this tuition from the state is to be made in the same manner and at the same time as for regular state equalization aid."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after the first day of June, 1951.

Approved February 28, 1951.

CHAPTER 107

An Act to Amend Section 2, of Chapter 199 of the Laws of the Thirty-first Legislative Assembly of the State of Montana, Relating to the Public Elementary and Secondary School Finance and Equalization Law, the De-

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termination of Average Number Belonging, Definition of Foundation Program and Isolated Schools, to Provide for an Average Number Belonging for Reopened Schools, and an ANB for Schools Operating More than One Hundred Eighty (180) Days.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 2, Ch. 199, Laws of 1949.

Section 1. That Section 2, Chapter 199, Session Laws of 1949, be, and the same is hereby amended to read as follows:

Definitions: "average number belonging."

"Section 2. The term 'average number belonging' or 'ANB' shall mean the average number of regularly enrolled, full-time pupils attending a public school, or attending public schools in a school district as a whole, which average number shall be computed by dividing the sum of the aggregate days of attendance by regularly enrolled pupils and the aggregate days of absence by regularly enrolled pupils during the last completed school year, by the number one hundred eighty (180); *excepting in such districts or schools where school was in session more than one hundred eighty-five (185) days, the total of the aggregate days of attendance and the aggregate days of absence shall be divided by one hundred eighty-five (185);* provided that attendance for a part *of a morning session or part of an afternoon session shall be counted as one-half (½) day's attendance in either case,* and, provided further, when any regularly enrolled pupil has been absent, with or without excuse, for more than three (3) consecutive school days in such school year, his absence after the third day and until his return to school shall not be included in the aggregate days of absence. The average number belonging of secondary pupils of a school district *or of elementary pupils* of a school district does not include the pupils of any high school *or of any elementary school* which has not been accredited by the State Board of Education. Pupils of a junior high school which has been duly approved and accredited as such by the State Board of Education are to be deemed secondary school pupils for the purpose of computing average number belonging of the district in which the junior high school is situated.

Reopening school not in operation the previous year.

"Any school district may reopen a school which was not in operation the previous year, when such reopening is approved by the county budget board and the State

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Superintendent of Public Instruction, and when the county superintendent estimates the probable enrollment for such school to be at least five (5), and the parents of at least three (3) of these five (5) children petition for such reopening; such approved reopened school shall be eligible for county and state aid on its foundation program. Should a school district anticipate an increase in ANB, above the normal statewide increase of the past year, due to the closing of any private or public school in the district or in neighboring districts, such district shall be allowed an increase in ANB for budget purposes, based on an estimate arrived at by the district superintendent, board and county superintendent and approved by the State Superintendent.

"Minimum foundation program." "Foundation program."

"The terms, 'minimum foundation program' and 'foundation program' shall mean the amount required to operate and maintain an adequate and efficient school, as fixed and established by the schedules of minimum operating revenues set forth in section 3 hereof.

"Isolated school."

"The term 'isolated school' shall mean an elementary school having an ANB of less than nine (9) pupils, the maintenance and operation of which as an isolated school has been approved in the manner hereinafter provided in section 16 of this act; and the term 'isolated high school', shall mean a high school having an ANB of less than twenty-five (25) pupils, the maintenance and operation of which as an isolated school has been approved in the manner hereinafter provided in section 16 of this act.

"Non-isolated school."

"The term, 'nonisolated school', shall mean an elementary school having an ANB of less than nine (9) pupils, which has not been approved as an isolated school; and the term, 'nonisolated high school', shall mean a high school having an ANB of less than twenty-five (25) pupils, which has not been approved as an isolated high school."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval.

Approved February 28, 1951.

CHAPTER 108

An Act to Permit Indians to Attend the Units of the Uni-

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versity of Montana Without the Payment of the Regular Fees Required of Students in Attendance; Providing for the Number and Selection of Such Pupils; Providing That at Least Six of Such Pupils Chosen Shall Enroll in Teacher-Training Courses; Providing That the State Board of Education Shall Formulate Rules and Regulations for the Selection of These Pupils and Providing That the State Superintendent of Public Instruction Shall Be the Agent of the Board in Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Indians: enrollment in units of university.

Section 1. Any person of one-fourth (¼) Indian blood or more who shall receive a diploma and who shall have completed the regular course of a four-year accredited public high school or Federal Indian school in Montana, and shall have shown evidence of studious and industrious habits, shall be entitled, upon the recommendation of the State Board of Education, to enroll in any of the units of the University of Montana for four (4) years without the payment of fees required of students attending such institutions. The number of such Indians chosen each year shall not exceed twelve (12), of whom at least six (6) shall be enrolled for the purpose of training to become teachers. Rules and regulations governing the selection of these pupils shall be formulated by the State Board of Education and the State Superintendent of Public Instruction is hereby designated as the agent of the board in carrying out this act.

Fees.

Limitation of number.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 109

An Act to Amend Section 75-1522 of the Revised Codes of Montana, 1947, Relating to the Abandonment of School Districts and Providing for Such Abandonment by the County Superintendent After a School District Has Not Operated a School for Three (3) Years; Pro-

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viding That School Districts Shall Not Be Abandoned After Three (3) Years If They Provide Transportation or Payments in Lieu Thereof for Five (5) Children of School Age in the District; Providing for Notification by the County Superintendent to Each School District Which Has Not Operated a School for Two (2) Years That Another Year of Such Nonoperation of a School Will Bring Abandonment, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 75-1522, Rev. Codes, 1947.

Section 1. That Section 75-1522 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Abandonment of school districts.

"75-1522. **Abandonment of School Districts.** (1) He shall attach to contiguous districts territory not a part of any district *except as hereinafter provided, and he must declare a school district abandoned when a school has not been operated in the district during a period of three (3) consecutive years.* The county superintendent in determining the question of abandoning any school district under this act must include any period of time that may have elapsed before the approval of this act; provided, however, *that the county superintendent of schools shall notify each school district which has not operated a school for two (2) years, that the nonoperation of a school for another year will bring about abandonment. Failure of the county superintendent to give such notification does not, however, protect the district from abandonment; provided further, that if any such school district has provided transportation either by bus or by the payment to individuals, or has provided payments for board and room in lieu of transportation for an average of at least five (5) children of school age during a period of three (3) consecutive years living within the district, to another district for the purpose of attending school therein for a term of at least one hundred eighty (180) days each year. Such transportation shall be deemed equivalent to the actual holding of school in such district for a term of one hundred eighty (180) days in each year, and such district shall not be ordered abandoned.*

"(2) The abandoned territory shall be attached to a contiguous district or districts whenever there are five

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(5) or more children in abandoned territory eligible for attendance in an elementary school as determined by the county superintendent and residing more than three (3) miles from an established school in the district to which the abandoned territory is attached, the school trustees shall provide a school in such abandoned territory when requested so to do by the parents of at least three (3) of such children. In determining whether such children reside more than three (3) miles from an established school in the district, the measurement must be by the shortest regularly traveled route. Whenever a school district is ordered abandoned and there is any indebtedness outstanding against the district represented either by registered warrants, or bonds, or both, and there is not sufficient money in the funds of the district to pay the same, all money in the funds of the district shall be set aside and applied in payment of such indebtedness, and there shall be levied annually, in the manner provided by law, a tax against all property within the boundaries of such district, as the same existed when such indebtedness was incurred, sufficient to pay such indebtedness as it matures, with all interest becoming due thereon.

Territory to be attached to contiguous district or districts.

Indebtedness of abandoned district.

"(3) All funds of an abandoned district, after all the debts of the district have been paid, shall be placed in the general fund of the district or districts to which its territory is attached on order of the county superintendent. If the territory of an abandoned district is divided and a part attached to two (2) or more districts, the funds of the abandoned district, after all its debts have been paid, shall be apportioned by the county superintendent between the district to which such territory is attached in proportion to the assessed value of the property attached to each thereof. The county superintendent shall have power to declare a school district abandoned when there is an insufficient number of residents of said district who could qualify or when the available residents refuse to qualify in sufficient number as trustees and clerk for said district so that no legal board can be formed or a quorum obtained so that meetings of a board of trustees of such district can be held. Whenever a school district is ordered abandoned upon order of the county superintendent of schools in such case, then he shall attach said school district to a contiguous district or districts as herein provided."

Funds of abandoned district.

Power of county superintendent.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 110

An Act to Amend Section 84-4931, Revised Codes of Montana, 1947, Relating to Information Pertaining to Income Tax Returns, Making it Unlawful to Divulge Information Except as Provided by Law.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-4931 Rev. Codes, 1947.

Section 1. That Section 84-4931 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Divulging information unlawful.

"Section 84-4931. **Divulging Information Unlawful—Exceptions—Penalty.** (1) Except in accordance with proper judicial order or as otherwise provided by law, it is unlawful for the board or any deputy, assistant, agent, clerk or other officer or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this act, or any other information secured in the administration of this act. The officers charged with the custody of such reports and returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except in any action or proceeding under the provisions of this act, *or any other taxing act,* to which the board is a party, or on behalf of any party to any action or proceedings under the provisions of this act *or such other act* when the reports or facts shown thereby are directly involved in such action or proceedings, in either of which events, the court may require the production of, and may admit in evidence, so much of said reports or of the facts shown thereby, as are pertinent to the action or proceedings and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return or report filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection

Exceptions.

Delivery to taxpayer of copy of his return.

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by the attorney general, or other legal representatives of the state, of the report or return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted in accordance with the provisions of section 84-4928 and section 84-4929. Reports and returns shall be preserved for three (3) years and thereafter until the board orders them to be destroyed.

Penalty.

"(2) Any offense against subdivision one (1) of this section shall be punished by a fine not exceeding one thousand dollars ($1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or both, at the discretion of the court, and if the offender be an officer or employee of the state, he shall be dismissed from office and be incapable of holding any public office in this state for a period of one (1) year, thereafter.

Returns may inspected by commissioner of internal revenue.

"(3) Notwithstanding the provisions of this section, the board may permit the Commissioner of Internal Revenue of the United States, or the proper officer of any state imposing a tax upon the incomes of individuals, or the authorized representatives of either such officer, to inspect the returns of income of any individuals, or may furnish to such officer or his authorized representatives an abstract of the return of income of any individual or supply him with information concerning any item of income contained in any return, or disclosed by the report of any investigation of the income or return of income of any individual, but such permission shall be granted or such information furnished to such officer or his representative, only if the statutes of the United States or of such other state, as the case may be, grant substantially similar privileges to the proper officer of this state charged with the administration of this act."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 111

An Act to Amend Section 53-106, Revised Codes of Montana, 1947, Relating to Number Plates.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 53-106, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Number plates.

"53-106. **Number Plates.** (1) Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle by the registrar of motor vehicles. Such number plate shall be in five series: one series for owners of motor cars, one for owners of motor vehicles of the motorcycle type, one for dealers in each of the two types of vehicles above named and one for trucks. All number plates for motor vehicles shall be renewed annually, shall bear a distinctive marking each year, and shall be furnished by the state.

On motor cars — number plates.

"(2) In the case of motor cars, number plates shall be of metal at least five (5) inches wide and not less than thirteen (13) inches in length, and the word 'Montana' with the year shall be placed across the bottom of the plate. The background of the plate shall be of a distinctive color each year, which color shall be designated by the registrar of motor vehicles. The distinctive registration numbers shall begin with number 1 and be numbered consecutively for each series of plates. The distinctive registration number assigned to the vehicle and the numeral or symbol for the county in which the number plate is issued shall appear on the plate. The dimensions of such numerals and the manner of placing the same on said number plates shall be determined by the registrar of motor vehicles. For the use of dealers the number plates shall be essentially as those for motor cars and motorcycles, except that to the left of the serial number the plate shall contain the letter 'D', such letter to be the same height and size as the figures composing the serial number.

"(3) For the use of tax-exempt motor vehicles, in addition to the markings herein provided, number plates shall have thereon the following distinctive markings:

Markings on plates for tax-exempt motor vehicles.

"For vehicles owned by the state, counties, municipalities, and school districts and used and operated by officials and employees thereof in line of duty as such, there shall be placed on the number plates assigned thereto, in such position thereon as the registrar may designate,

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the letter 'X', provided, however, that on all such plates assigned to motor vehicles of the state highway, the letter 'H', shall appear before the letter 'X', and on number plates assigned to motor vehicles of the state highway patrol, the letter 'P' shall appear before the letter 'X'. Such letters shall be of the same height and size as the figures composing the serial number. The distinctive registration numbers for plates assigned to the state highway shall begin with the number 1 and be numbered consecutively, and numbers for plates assigned to the state highway patrol shall begin with number *100* and be numbered consecutively. Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and school districts situated within each of said counties shall begin with number 1 and be numbered consecutively.

For trucks and trailers.

"(4) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and trailers, there shall appear the letter 'T' for plates assigned to trucks and the letters 'TR' for plates assigned to trailers.

Use limited to specific vehicles.

"Number plates assigned to any motor vehicle, including tax-exempt motor vehicles, shall be used only on the specific motor vehicle to which originally assigned.

Emergency provision.

"Provided, however, that during the existent emergency, the state board of examiners and the registrar of motor vehicles, shall have the power and authority to designate distinctive insignia or identification markers without regard to the herein requirements.

Numbers assigned to counties.

"(5) For the purpose of this act, the several counties of the state shall be assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;

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Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56; any new counties shall be assigned numbers by the registrar of motor vehicles as they may be formed, beginning with the number 57."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith, are hereby repealed.

Approved February 28, 1951.

CHAPTER 112

An Act Designating the Commissioner of Agriculture, the State Official of the State of Montana, to Make Application for the Return of the Assets of the Montana Rural Rehabilitation Corporation Held by the United States; Authorizing and Directing the Commissioner of Agriculture of the State of Montana to Enter into Agreements With the Secretary of Agriculture of the United States Authorizing the Said Secretary of Agriculture to Use in the State of Montana All or Any Portion of Said Assets or Other Funds for Certain Purposes of the Bankhead-Jones Farm Tenant Act; Authorizing and Empowering the Commissioner of Agriculture of the State of Montana to Administer These Assets of the Montana Rural Rehabilitation Corporation Pursuant and Subject to This Act and to the Provisions of Public Law 499, Eighty-First Congress of the United States Approved May 3, 1950; Enumerating Certain Powers of the Commissioner of Agriculture of the State of Montana to Carry Out the Provisions of This Act; Providing That Funds Not Authorized to Be Administered by the Secretary of Agriculture of the United States Be Deposited With the State Treasurer of Montana in a Special Fund; Providing for the State Treasurer and State Auditor to Open and Maintain Special Accounts for Said Special Fund; Providing That the United States and the Secretary of Agriculture of the United States Shall Be Free From Liability by Virtue of Transfer of All Assets of the Montana Rural Rehabilitation Corporation to the Commissioner of Agriculture of the State of Montana; Authorizing the Delegation of Certain Powers to the Secretary of Agriculture of the United States When said Secretary Is Administering All or any Portion of

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Said Assets or Other Funds; Repealing Chapter 141 of the Laws of the Thirty-First Legislative Assembly of the State of Montana, 1949, and Repealing All Other Acts, or Parts of Acts in Conflict Herewith; and Providing for the Effective Date of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Commissioner of Agriculture authorized to apply to U. S. Secretary of Agriculture for trust funds held for Montana Rural Rehabilitation Corporation.

Section 1. The Commissioner of Agriculture is hereby designated as the state official of the State of Montana to make application to the Secretary of Agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of Public Law 499, Eighty-First Congress, approved May 3, 1950, for the return of the trust assets, either funds or property, held by the United States as trustee in behalf of the Montana Rural Rehabilitation Corporation.

Agreements with the Secretary of Agriculture.

Section 2. The Commissioner of Agriculture is authorized and directed to enter into agreements with the Secretary of Agriculture of the United States pursuant to Section 2 (f) of the aforesaid Act of the Congress of the United States, upon such terms and conditions and for such periods of time as may be mutually agreeable, authorizing the Secretary of Agriculture of the United States to accept, administer, expend and use in the State of Montana all or any part of such trust assets or any other funds of the State of Montana which may be appropriated for such uses for carrying out the purposes of Titles I and II of the Bankhead-Jones Farm Tenant Act, in accordance with the applicable provisions of Title IV thereof, as now or hereafter amended, and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

Certain funds to be deposited in "Montana Farm Loan Fund."

Section 3. Funds and the proceeds of the trust assets which are not authorized to be administered by the Secretary of Agriculture of the United States under Section 2 of this act shall be received by the Commissioner of Agriculture, and paid by him to the state treasurer for deposit in a special fund to be known as the "Montana Farm Loan Fund" which fund shall be maintained as a revolving fund for expenditure or obligation by the Department of Agriculture, Labor and Industry for the purposes of Section 2 of this act, or for use for such of the rural rehabilitation purposes permissible under the char-

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ter of the now dissolved Montana Rural Rehabilitation Corporation as may from time to time be agreed upon between the Commissioner of Agriculture and the Secretary of Agriculture of the United States, subject to the applicable provisions of said Public Law 499. The state treasurer and state auditor are hereby directed to open and maintain accounts upon their respective books for said fund.

Other powers of Commissioner of Agriculture.

Section 4. The Commissioner of Agriculture is authorized and empowered to:

To collect, compromise or cancel certain claims.

(a) Collect, compromise, adjust or cancel claims and obligations arising out of or administered under this act or under any mortgage, lease, contract or agreement entered into or administered pursuant to this act and if, in his judgment, necessary and advisable, pursue the same to final collection in any court having jurisdiction.

to acquire property on which he has a lien.

(b) Bid for and purchase at any execution, foreclosure or other sale, or otherwise to acquire property upon which the Commissioner of Agriculture has a lien by reason of a judgment or execution, or which is pledged, mortgaged, conveyed or which otherwise secures any loan or other indebtedness owing to or acquired by the Commissioner of Agriculture under this act, and

To operate, lease, or sell of such property.

(c) Accept title to any property so purchased or acquired; to operate or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of this act.

Delegation of authority.

The authority herein contained may be delegated to the Secretary of Agriculture of the United States with respect to funds or assets authorized to be administered and used by him under agreements entered into pursuant to Section 2 of this act.

United States freed from liability.

Section 5. The United States and the Secretary of Agriculture thereof, shall be held free from liability by virtue of the transfer of the assets to the Commissioner of Agriculture of the State of Montana pursuant to this act.

Section 6. If any provision of this act, or the application thereof to any person or circumstances, is held in-

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valid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby. Separability of Act.

Section 7. That Chapter 141 of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, and all other acts and parts of acts in conflict herewith are hereby repealed. Repeal of Chap. 141, Laws of 1949.

Section 8. This act shall be in full force and effect from and after its passage. Effective date.

Approved February 28, 1951.

CHAPTER 113

An Act to Amend Section 84-3701 of the Revised Codes of Montana, 1947, Relating to the Licensing of Transient Retail Merchants, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-3701 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 84-3701. Rev. Codes, 1947.

"84-3701. Every person, firm or corporation, acting for himself or itself, or representing any other person, firm or corporation who or which brings into temporary premises, into any county of this state, a stock of goods, wares or articles of merchandise, or notions, or other articles of trade, and who or which solicits, sells or offers to sell, or exhibit for sale, such stock of goods, wares or articles of merchandise or notions or other articles of trade at retail, is within the meaning of this act, a transient retail merchant, and such definition shall continue to apply until such person, firm or corporation shall be continuously engaged at such particular place in the county for a period of one year. Transient retail merchant defined.

" 'Temporary premises' within the meaning of this act shall be continued to include any hotel, roominghouse, store room, building or any part of any building whatsoever, tent, vacant lot, freight station, railroad car, *automobile, truck, trailer or trailer house,* or any public or quasi public place, temporarily occupied for such business." "Temporary premises" defined.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 114

An Act Giving Authority to the State Superintendent of Public Instruction to Make Surveys of School Facilities of the State and Authorizing Him to Request and Use Federal Funds for the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Authority of superintendent of public instruction to make surveys of school facilities.

Section 1. **Authority to Make Surveys—Funds.** The State Superintendent of Public Instruction is hereby authorized to make general surveys of the school facilities of the state for the purpose of determining the adequacy of state and local resources to meet present and future school facilities requirements. The State Superintendent of Public Instruction is also authorized to request and use such funds as are now or will be made available under any act of Congress of the United States, or otherwise, to accomplish such purposes.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 115

An Act to Amend Sections 11-725, 11-729 and 11-731 of the Revised Codes of Montana, 1947, as Amended by Chapter 188 of the Laws of the Thirty-first Legislative Assembly, 1949, Pertaining to the Salaries and Qualifications of Mayor, Aldermen, City Attorney and City Clerk, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-725 of the Revised Codes of

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Amendment of Sec. 11-725, Rev. Codes, 1947, as amended.

Montana, 1947, as amended by Chapter 188 of the Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is amended to read as follows:

Salaries and qualifications of mayor and aldermen.

"Section 11-725. **Salaries and Qualifications of Mayor and Aldermen.** The annual salary of a mayor of a city of the first class must not exceed four thousand *eight* hundred dollars *($4,800.00);* and the annual salary of the mayor of a city of the second class must not exceed two thousand *seven* hundred dollars *($2,700.00);* and the annual salary of the mayor of a city of the third class must not exceed *one thousand two* hundred *fifty* dollars *($1,250.00);* and each alderman in a city of the first class may be allowed and paid not exceeding *ten* dollars *($10.00)* per diem, to be fixed by ordinance, for each day of session held by city council; provided, that no alderman shall be paid for more than five (5) days' service during any one (1) month; and aldermen of cities of the second and third class may be allowed and paid not exceeding *ten* dollars *($10.00)* per diem for each day of session, to be fixed by ordinance, but no alderman shall be paid for more than two (2) days' service during any one (1) month. The council of any town may by ordinance set compensation for a mayor and alderman at one dollar ($1.00) per meeting but in no event shall they be paid to exceed three (3) meetings per month. No person shall be elected to the office of mayor or alderman in any city or town who is not a resident and freeholder within the limits of the city or town."

Amendment of Sec. 11-729, Rev. Codes, 1947, as amended.

Section 2. That Section 11-729 of the Revised Codes of Montana, 1947, as amended by Chapter 188 of the Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is hereby amended to read as follows:

Salary of city attorney.

"Section 11-729. **Salary of City Attorney.** The annual salary and compensation of the city attorney must be fixed by ordinance, and must not exceed, in cities of the first class, three thousand *six hundred* dollars *($3,600.00),* and in cities of the second class must not exceed *two thousand one* hundred dollars *($2,100.00)* and in cities of the third class must not exceed *one thousand five* hundred dollars *($1,500.00),* which compensation shall be in full for all services rendered in any capacity, and no fee, percentage or additional compensation must be given to or allowed him."

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Amendment of Sec. 11-731, Rev. Codes, 1947, as amended.

Section 3. That Section 11-731 of the Revised Codes of Montana, 1947, as amended by Chapter 188 of the Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is hereby amended to read as follows:

Salary of city or town clerk.

"Section 11-731. **Salary of City or Town Clerk.** The annual salary and compensation of the city or town clerk must be fixed by ordinance, and in cities of the first class must not exceed *four thousand five* hundred dollars *($4,500.00);* in cities of the second class must not exceed *three thousand three* hundred dollars *($3,300.00).* The compensation above provided for shall be in full for all services rendered by any such clerks in any and every capacity. In cities of the third class the compensation must not exceed *two thousand* dollars *($2,000.00),* and in towns must not exceed *one thousand two* hundred dollars *($1,200.00)* provided, however, that nothing in this section shall be held or construed as applying to cities and towns operating under the commission form of government."

Proviso.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 116

An Act to Amend Section 11-2303 of the Revised Codes of Montana, 1947, Relating to the Maximum Amount of Bonds Which May Be Issued and Indebtedness Which May Be Incurred by Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 11-2303, Rev. Codes, 1947.

Section 1. That Section 11-2303 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Limitation on amount of indebtedness.

"Section 11-2303. **Limitation on Amount of Indebtedness.** No city or town shall issue bonds for any purpose in an amount which, with all outstanding and unpaid indebtedness, will exceed *five per centum (5%)* of the value of the taxable property therein, to be ascertained by

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the last assessment for state and county taxes; provided, however, that for the purpose of constructing a sewerage system, or procuring a water supply or constructing or acquiring a water system for a city or town, which shall own and control such water supply and water system and devote the revenues therefrom to the payment of the debt, a city or town may incur an additional indebtedness by borrowing money or issuing bonds. The additional indebtedness which may be incurred by borrowing money or issuing bonds for the construction of a sewerage system, including all indebtedness theretofore contracted, which is unpaid or outstanding, shall not exceed ten per centum (10%) over and above the *five per centum (5%)* heretofore referred to, of the total value of the taxable property therein as ascertained by the last assessment for state and county taxes. The words 'value of the taxable property' as used in this section, are used in the same sense as in Section 6 of Article XIII of the constitution and shall be given the same meaning; and provided further, that the issuing of bonds for the purpose of funding or refunding outstanding warrants or bonds shall not be deemed the incurring of a new or additional indebtedness, but shall be deemed merely the changing of the evidence of outstanding indebtedness.''

Proviso.

Over-all limitation.

"Value of taxable property" defined.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1951.

CHAPTER 117

An Act to Amend Section 81-304 of the Revised Codes of Montana, 1947, Providing for the Exchange of Lands by the State of Montana With the United States and With Counties, Validating Prior Action of the State Board of Land Commissioners, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 81-304 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 81-304, Rev. Codes, 1947.

''81-304. **Exchange of Lands With United States and**

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Exchange of lands with United States and counties by Board of Land Commissioners.

Counties — Validation of Prior Actions. The State Board of Land Commissioners of the State of Montana is hereby authorized and empowered to enter into contracts or agreements with the United States, or any department thereof having jurisdiction for the waiving and relinquishment to the United States of any and all rights of the State of Montana in and to section sixteen (16) and thirty-six (36) of any township and to any other sections of state lands when such sections are situated within or adjoining a federal forest reserve, or within or adjoining other federal land reservations, provided that the State of Montana shall in lieu of the rights so waived and relinquished receive from the United States other lands of *equal or greater value.* The lands so obtained by the State of Montana from the federal government in exchange for lands to which the state has waived and relinquished its rights shall preferably be forest lands, it being the main purpose of these provisions to enable both the United States and the State of Montana to consolidate its forest holdings; but if desirable forest land cannot be obtained for such state lands, then other lands may be selected.

Authority to accept and convey title.

"The State Board of Land Commissioners of the State of Montana is hereby authorized to accept on behalf of the State of Montana title in fee simple to any land owned by a county in the State of Montana and to convey in exchange therefor state owned land of approximately the same area and of a value not higher than the land received from the county whenever such exchange will result in consolidating the state owned lands into more compact bodies.

Validation of prior contracts.

"All contracts and agreements heretofore entered into between the State Board of Land Commissioners and the United States, or any department thereof, waiving and relinquishing the rights of the State of Montana to sections sixteen (16) and thirty-six (36) in any township in this state, and the selection of lands in lieu of those so relinquished by the state are hereby ratified, confirmed and validated."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

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CHAPTER 118

An Act to Amend Section 1 of Chapter 177 of the Laws of 1949, Relating to Salaries of County Officers by Including in the Schedule Counties of Larger Populations and Greater Taxable Values Than Heretofore Provided For.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 177 of the Laws of 1949, be, and the same hereby is amended to read as follows:

Amendment of Chap. 177, Laws of 1949.

"Section 1. The salaries of county treasurers, county clerks, county assessors and county superintendents of schools, and of county surveyors in counties where county surveyors now receive salaries, as provided in Section 1622.1, Revised Codes of 1935, shall be based on the population and taxable valuation of the county in accordance with the following schedule:

Salaries of county treasurer and other county officers.

Population of County	Salary Col. A	Taxable Valuation of County	Salary Col. B
Below 3,000	$1,160	Below $2,000,000	$1,160
3,000 to 3,999	1,208	$ 2,000,000 to 2,999,999	1,208
4,000 to 4,999	1,256	3,000,000 to 3,999,999	1,256
5,000 to 5,999	1,304	4,000,000 to 4,999,999	1,304
6,000 to 6,999	1,352	5,000,000 to 5,999,999	1,352
7,000 to 7,999	1,400	6,000,000 to 6,999,999	1,400
8,000 to 8,999	1,448	7,000,000 to 7,999,999	1,448
9,000 to 9,999	1,496	8,000,000 to 9,999,999	1,496
10,000 to 12,499	1,544	10,000,000 to 11,999,999	1,544
12,500 to 14,999	1,592	12,000,000 to 13,999,999	1,592
15,000 to 17,499	1,640	14,000,000 to 15,999,999	1,640
17,500 to 19,999	1,688	16,000,000 to 17,999,999	1,688
20,000 to 24,999	1,736	18,000,000 to 19,999,999	1,736
25,000 to 29,999	1,784	20,000,000 to 22,499,999	1,784
30,000 to 39,999	1,832	22,500,000 to 24,999,999	1,832
40,000 to 49,999	1,880	25,000,000 to 29,999,999	*1,880*
50,000 to *59,999*	*1,928*	*30,000,000 to 34,999,999*	*1,928*
60,000 to 69,999	*1,976*	*35,000,000 to 39,999,999*	*1,976*
70,000 to 79,999	*2,024*	*40,000,000 to 44,999,999*	*2,024*
80,000 and over	*2,072*	*45,000,000 and over*	*2,072*

"The total salary paid to county treasurers, county clerks, county assessors and county superintendents of

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Computation of salaries.

schools and of county surveyors in counties where county surveyors now receive salaries, as provided in Section 1622.1, Revised Codes of 1935, shall be the sum of the salary shown in column A based on population when added to the salary shown in column B based on taxable valuation."

Approved February 28, 1951.

CHAPTER 119

An Act Authorizing the State Board of Examiners to Hear, Audit, and Determine the Claim of Harley Wagner for Damages to His Property, and Appropriating Money from the Highway Fund for the Settlement of Such Claim Not Exceeding the Sum of Five Hundred Dollars ($500.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble.

Section 1. Whereas, Harley Wagner has presented a verified claim with the State Board of Examiners of the State of Montana alleging that his property was damaged in June and December of 1948, and in February and June of 1949, by reason of a culvert installed by the Highway Department in front of Harley Wagner's residence in Sanders County, Montana;

Board of Examiners authorized to settle claim of Harley Wagner.

Now, Therefore, the State Board of Examiners is hereby authorized to hear, audit and determine the said claim of Harley Wagner, and to approve and allow so much of said claim as said Board of Examiners find just and equitable in full settlement thereof; provided, however, that the claim of said Harley Wagner shall not be allowed or approved by said Board of Examiners for any amount in excess of the sum of five hundred dollars ($500.00).

Amount.

Appropriation.

Section 2. That the sum of five hundred dollars ($500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the highway fund, not otherwise appropriated, for the purpose of paying such part of said claim of Harley Wagner as said Board of Examiners may find just and equitable; provided, further, that no part of said money shall be paid to said Harley Wagner except in final and complete settlement of his said claim.

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Section 3. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 28, 1951.

CHAPTER 120

An Act to Provide for the Support of the Government of Montana for the Years 1951 and 1952.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1951, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit: Tax levies for state purposes for the year 1951.

(a) For the State General Fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by Chapter 10 of the Session Laws of the Twenty-third Legislative Assembly of 1933, two (2) mills, or so much thereof as the State Board of Equalization may find necessary, under the provisions of Section 2122.13, Revised Codes of Montana, 1935. For the General Fund.

(b) For the university millage fund, to provide funds for the support of the Greater University, as provided in Referendum Measure Number Fifty-one (51) and passed by vote of the people at the general election held November 2, 1948, six (6) mills. For University Millage Fund.

(c) For the State Insane Hospital bond interest and sinking fund created under Referendum Measure Number Fifty (50) one-half (½) of one (1) mill. For Insane Hospital Interest and Sinking Fund.

(d) For the University of Montana building bond interest and redemption fund created under Referendum Measure Number Fifty-two (52), one (1) mill. For University Interest and Redemption Fund.

Section 2. The following tax levies for state purposes are hereby made upon all property in the State of Mon- Tax levies for state purposes for the year 1952.

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tana, subject to taxation, for the year 1952, as ascertained by taking the percentage of the true and full value provided by law for the purposes of taxation, to-wit:

For the General Fund.

(a) For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by Chapter 10 of the Session Laws of the Twenty-third Legislative Assembly of 1933, two (2) mills or so much thereof as the State Board of Equalization may find necessary, under the provisions of Section 2122.13, Revised Codes of Montana, 1935.

For University Millage Fund.

(b) For the university millage fund, to provide funds for the support of the Greater University, as provided in Referendum Measure Number Fifty-one (51) and passed by a vote of the people at the general election held November 2, 1948, six (6) mills.

For Insane Hospital Interest and Sinking Fund.

(c) For the State Insane Hospital bond interest and sinking fund created under Referendum Measure Number Fifty (50), one-half (½) of one (1) mill.

For University Interest and Redemption Fund.

(d) For the University of Montana building bond interest and redemption fund created under Referendum Measure Number Fifty-two (52), and one (1) mill.

Separability of Act.

Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 121

An Act to Amend Section 26-201, Revised Codes of Montana of 1947, As Amended, Chapter 37 Laws of 1949, Defining and Classifying Birds, Animals and Fish by Deleting Raccoon from the List of Animals Classified As Fur-bearing Animals and Including Raccoon in the List of Animals Classified As Game Animals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-201, Revised Codes of Mon-

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tana of 1947, as amended, Chapter 37 Laws of 1949, be, and the same is hereby amended to read as follows:

Amendment of Sec. 26-201, Rev. Codes, 1947, as amended.

"26-201. (3681) **Definitions.** For the purpose of this act, the following shall be construed, respectively to mean:

Definitions.

Commission. The state fish and game commission.

Commission

Person. The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires.

Person.

Open season. The time during which game birds, fish, game and fur-bearing animals be lawfully taken.

Open season.

Closed season. The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken.

Closed season.

Angling or fishing. The taking of, or attempting to take fish by hook and line or rod in hand.

Angling or fishing.

Upland game birds. Sharptailed grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed grouse commonly called native pheasant or native partridge, quail, Chinese pheasant and Mongolian pheasant commonly called ring-necked pheasant, Hungarian partridge, ptarmigan and wild turkey.

Upland game birds.

Migratory game birds. Waterfowl, including wild ducks, wild geese, brant and swans; cranes, including little brown sandhill and whooping cranes; rails, including coots, gallinules, sora or other rails, shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes, or jacksnipes, snipes, stilts, plovers, willets and yellow-legs.

Migratory game birds.

Nongame birds. All wild birds not defined herein as upland game birds or migratory game birds shall be deemed nongame birds.

Non-game birds.

Game animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, bear *and raccoon.*

Game animals.

Fur-bearing animals. Marten or sable, otter, fox, muskrat, fisher, mink and beaver.

Fur-bearing animals.

Predatory animals. Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk and civit cat, blackfooted ferret and bobcat.

Predatory animals.

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Game fish.

Game fish. All species of the family salmonidae (chars, trout, and salmon); all species of the family thymallidae (grayling); all species of the family coregonidae (whitefish); all species of the genus stizostedion (sand pike or sauger and walleyed pike or yellow pike perch); all species of the genus esox (northern pike, pickerel and muskellunge); all species of the genus micropterus (bass)."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 122

An Act to Amend Section 93-3008, Revised Codes of Montana, 1947, As Amended by Chapter 135, Session Laws of 1949; and to Amend Section 93-3010, Revised Codes of Montana, 1947; All Relating to Service of Process on Certain Corporations by Serving Secretary of State; Providing for the Service of Process Upon the Secretary of the State of Montana When the Officers and Agents of Corporations Who Are or Were Doing Business Within the State of Montana Cannot Be Found in the State of Montana; Providing That Service by Publication Must Be Made in Addition Thereto in Certain Types of Actions; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 93-3008, Rev. Codes, 1947, as amended.

Section 1. That Section 93-3008, Revised Codes of Montana, 1947, as amended by Chapter 135, Session Laws of 1949, be, and the same is hereby amended to read as follows:

Service of summons on certain corporations made upon the Secretary of State.

"**Service of Summons On Certain Corporations—Made On Secretary of State.** When an action is pending in any court in this state against a corporation organized under the laws of this state, or against a corporation organized under the laws of any other state or country, that has filed a copy of its charter in the office of the Secretary of State of Montana and qualified to do business in this state; *or against a corporation organized under the laws of any other state or country that is actually doing business within the State of Montana or that was actually*

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doing business within this state at the time the said action arose even though such corporation has not filed a copy of its charter in the office of the Secretary of State of Montana and has not qualified to do business in this state; or against a national banking corporation who, through insolvency or lapse of charter has ceased to do business in Montana; upon any cause of action arising within this state, and the president or other head, secretary, cashier, or managing agent of such domestic corporation, or the business agent, cashier, secretary, or agent appointed to receive service of process by such corporation organized under the laws of any other state or country, or any clerk, superintendent, general agent, cashier, principal director, ticket agent, stationkeeper, managing agent, or other agent, having the management, direction, or control of any property of any corporation doing business in this state, cannot be found, upon which service of process can be made, and an affidavit is filed in the office of the clerk of the court in which the action is pending, setting forth that an action is pending in that court, and that the plaintiff has a good cause of action upon the merits, and that such corporation is a necessary party therein, and that none of the persons or officers above named can be found within the state, upon whom service of process can be made, the clerk of the court shall make an order directing process to be served upon the Secretary of State of the State of Montana, or, in his absence from his office, upon the deputy secretary of state of the State of Montana; *provided, however, that when service of process is made under the provisions of this section in actions and proceedings in which personal service of summons is not required to be made in order to obtain relief, including every action or proceeding commenced in this state to enforce any legal or equitable lien upon, or claim to, or to remove any encumbrance, or lien, or cloud, upon the title of real or personal property within this state, service by publication must also be made.''*

Service by publication must also be made in certain actions.

Section 2. That Section 93-3010, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 93-3010, Rev. Codes, 1947.

''Section 93-3010. **Duty of Secretary of State.** Upon such service being so made upon the secretary of state or his deputy, the said secretary of state or his deputy shall

Duty of Secretary of State.

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promptly mail the copy of summons and complaint, and copy of the order, by registered mail to the address of such corporation, at its principal home office, as shown by the papers on file in the office of the secretary of state, *and in the case of corporations which have not qualified to do business within the state, to the principal home office address as supplied by the plaintiff in said action,* and shall make out and mail to the clerk of the court in which the action is pending, a certificate of such mailing, which shall have attached thereto the registry receipt for such letter; *provided that in cases of corporations which have not qualified to do business within this state service shall not be deemed complete unless the registry receipt shows prima facie that such copy of summons and complaint and copy of the order was received.*"

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 123

An Act to Amend Section 66-505 of the Revised Codes of Montana, 1947, Relating to Applications to Practice and Fee for License of Chiropractors, and to Amend Section 66-512, Revised Codes of Montana, 1947, Relating to the Renewal of Licenses by Chiropractors; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 66-505, Rev. Codes, 1947.

Section 1. That Section 66-505, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Applications to practice chiropractic.

"Section 66-505. **Applications to Practice — Fees for License.** Any person wishing to practice chiropractic in this state after March 15, *1951,* shall make application to said board of chiropractic examiners through the secretary-treasurer thereof, upon such form and in such manner as may be prescribed and directed by the board, at least fifteen (15) days prior to any meeting of said board. Each

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applicant shall be a graduate of a chartered school of chiropractic, in which he actually attended a course of study of at least four (4) school years of *nine (9)* months each, preceded by a four (4) years' high school course. Application shall be in writing and shall be sworn to by some officer authorized to administer oaths, and shall recite the history of applicant's educational qualifications, how long he has studied chiropractic, of what school or college he is a graduate, the length of time he has been engaged in practice, accompanying the same with proofs thereof, in the shape of diplomas, certificates, etc., and shall accompany said application with satisfactory evidence of good character and reputation.

Qualifications.

"There shall be paid to the secretary-treasurer of the state board of chiropractic examiners by each applicant for a license, a fee of twenty-five dollars ($25.00), ten dollars ($10.00) of which shall accompany application and the remainder, fifteen dollars ($15.00) shall be paid upon the issuance of license. Like fees shall be paid for any subsequent examination and application."

Fee for license.

Section 2. That Section 66-512, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 66-512, Rev. Codes, 1947.

"Section 66-512. **Renewal.** One of the purposes of this act is to require each licensee to keep abreast of and informed about the developments and advances in the science of chiropractic, and, therefore, each license shall expire on the first day of September in each year, and shall be renewed then or thereafter, by the board, upon the payment of a renewal fee of *not less than five dollars ($5.00) nor more than ten dollars ($10.00) as set by the state board of chiropractic examiners,* and the presentation of evidence satisfactory to said board that the licensee, in the year preceding the application for renewal, attended at least one of the two-day educational programs as conducted by the Montana Chiropractic Association; provided, that the board may grant renewals, but not consecutive renewals, upon a showing satisfactory to said board that attendance upon said educational programs was unavoidably prevented, provided that new licensees during the six (6) months preceding said September first, by examination, shall be granted renewal licenses without attending said educational programs, provided, that a

Renewal of license.

Fee.

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failure to renew a license shall not prevent a licensee from subsequently applying for and receiving a license, as if there were no lapse of time between the expiration of the old license, and the granting of a renewal license; provided, that nothing herein shall prevent a renewal of said license if in said preceding year for any reason, at least one of the said educational programs is not conducted in the State of Montana.''

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 124

An Act to Amend Sections 59-801 and 59-802 of the Revised Codes of Montana, 1947, as Amended by Chapter 93 of the Laws of Montana, 1949, by Providing the Mileage to Be Allowed to Members of the Legislative Assembly, State Officers, Township Officers, Jurors, Witnesses, County Agents, and All Other Persons, Except Sheriffs, Who May Be Entitled to Mileage.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 59-801, Rev. Codes, 1947, as amended.

Section 1. That Section 59-801, Revised Codes of Montana, 1947, as amended by Chapter 93 of the Laws of Montana, 1949, be, and the same is hereby amended to read as follows:

Mileage of all officers.

''Section 59-801. **Mileage of All Officers.** Members of the legislative assembly, state officers, township officers, jurors, witnesses, county agents, and all other persons, except sheriffs, who may be entitled to mileage, when using their own automobiles in the performance of official duties, shall be entitled to collect mileage at a rate of seven cents (7¢) per mile for the distance actually traveled, and no more unless otherwise specifically provided by law; provided, however, that *nothing herein contained shall be construed as affecting the validity of Section 43-310, Revised Codes of Montana, 1947.*

Construction of Act.

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Amendment of Sec. 59-802, Rev. Codes, 1947, as amended.

Section 2. That Section 59-802, Revised Codes of Montana, 1947, as amended by Chapter 93 of the Laws of Montana, 1949, be, and the same is hereby amended to read as follows:

"Section 59-802. **Same — Liability of Approving Board for Exceeding Authorized Amount — Use of Railroad or Bus Required If Suitable.** Whenever it shall be necessary for any state or county officer or employee to use his own automobile in the performance of any official duty where traveling expense is allowed by law, such officer or employee, except sheriffs, shall receive seven cents (7¢) per mile for each mile necessarily traveled unless otherwise specifically provided by law and the members of any lawful approving board shall be liable upon their official bonds, for any claim which they may allow in excess of such amount; provided, however, that *nothing herein contained shall be construed as affecting the validity of Section 43-310, Revised Codes of Montana, 1947.* Provided, further, that in no case shall an automobile be used as herein provided if suitable transportation can be had by railroad or bus."

Mileage — amount allowed.

Liability of approving board.

Construction of Act.

Automobile not to be used if railroad or bus is suitable.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 125

An Act to Provide for a Continuing Program of Conservation Education in the Public Elementary and Secondary Public Schools of Montana, and Through the Six Units of the Greater University of Montana: Providing for Field Services in the Area of Conservation Education Through the Staff of Montana State College and the Montana State University; and Providing That the Type of Program to Be Recommended to the Schools of the State Be Determined by the State Board of Education in Cooperation With the State Superintendent of Public Instruction.

Be it enacted by the Legislative Assembly of the State of Montana:

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Program of conservation education established.

Section 1. **Establishment.** That on and after September, 1951, a continuing program of conservation education shall be taught in the public elementary and secondary schools of the state. The extent of such a program, and its application, shall be determined by the State Board of Education in cooperation with the State Superintendent of Public Instruction, and shall include a widespread understanding of conservation as to facts, principles and attitudes.

Supplementary conservation education.

Section 2. **Supplementary Conservation Education.** To supplement this broad conservation program in the elementary and secondary schools of the state, the separate units of the greater university of Montana shall make available to all students in teacher preparatory courses basic instruction in conservation education; and the Montana state college at Bozeman and the Montana state university at Missoula shall include instruction in conservation in their community or public service programs.

Courses of instruction.

Section 3. **Courses of Instruction.** The State Board of Education shall determine the type of conservation education to be taught in the public schools of the state and shall also determine the type of services in this general conservation program to be given by the above named agencies at the various units at the greater university of Montana; provided, that conservation education shall not be taught as a specific subject in the elementary and secondary schools but rather shall be taught as a part of and integrated with all other related subjects and courses.

Approved February 28, 1951.

CHAPTER 126

An Act to Amend Section 26-301, Revised Codes of Montana, 1947, As Amended by Chapter 157, Laws of the Thirty-first Legislative Assembly, 1949, Relating to the Restrictions of Manner of Taking and Possessing Fish and Game, to Provide That It Shall Be Lawful to Catch Fish With Set-lines in Certain Named Streams.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amendment of Sec. 26-301, Rev. Codes, 1947, as amended.

Section 1. That Section 26-301, Revised Codes of Montana, 1947, as amended by Chapter 157, Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is hereby amended to read as follows:

Manner of taking game restricted.

"Section 26-301. **Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.** 1. It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any automobile or on, or from any public highway in the State of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, salt lick nor shall any such set gun, jack-light or other artificial light, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds over decoys with a gun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured, or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made, or set.

Use of aeroplane and power boat forbidden.

2. No game birds or game or fur-bearing animals shall be killed, taken or hunted from an aeroplane, nor shall any aeroplane be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any powerboat, sailboat, or any boat under sail or any floating device towed by a powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory waterfowl, or game or fur-bearing animals.

Firearm silencer.

3. No person shall take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.

Chasing with dogs.

4. No person shall chase with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this state; provided, however, that livestock owners,

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employees of the State Fish and Game Commission and of the United States bureau of biological survey may use dogs in pursuit of stock-killing bears, or other means of taking stock-killing bears except the use of the dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve (12) hours apart; and provided further, that a person may take game birds during the open season thereof, with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the state fish and game warden.

Traps for capturing bear.

Fishing with hook and line in certain rivers, permitted at any time.

5. It shall be lawful to catch fish in the Yellowstone, Missouri, Kootenai, *Powder River, Little Powder, Little Missouri* rivers and *Box Elder creek in Carter county, Beaver creek in Wibaux county, O'Fallon creek in Fallon county or any other stream, or portion thereof, that may be designated by the Fish and Game Commission* at any season of the year with hook and line, or rod in hand, and non-game fish may be caught in such portions of said rivers as shall be designated by the commission at any season of the year with set-lines, the commission to prescribe the length thereof and the number of hooks thereon; provided however, that the commission shall have the power to limit the fishing for ling to angling when it is ascertained that game fish are being caught with said set-lines. It shall be lawful to take by angling non-game fish in any quantity from any of the waters of state during the open fishing season pertaining to such waters.

Non-game fish.

Game fish to be taken only by angling.

6. Game fish shall be taken only by angling, that is by hook and single line in hand or single rod in hand, or within immediate control; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a net not to exceed twelve (12) feet in length and three (3) feet in width, in such waters as may be designated by the commission.

Salmon eggs or spawn — possession of unlawful.

7. It is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be un-

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lawful for any person or persons to use in any of the waters in this state any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

Catching game fish through ice.

8. It shall be unlawful to catch any game fish through the ice, or through a hole in the ice, except in such waters as are designated under proper order of the State Fish and Game Commission. In case any game fish is unintentionally taken contrary to the prohibition or restrictions contained in this act, such fish shall be immediately liberated and returned to the water without unnecessary injury.

Seasons — power of commission to change or suspend.

9. The state fish and game commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions. The said commission shall have the power to set the opening dates of fishing season; provided, however, that they shall open the season in the several localities on a Sunday.

Orders and regulations effective, when

10. Whenever said Fish and Game Commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as required by the fish and game laws.

Penalties.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punishable as provided by Section 26-324, Revised Codes of Montana, 1947.''

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 127

An Act to Amend Sections 3-2001, 3-2002, and 3-2006 of the Revised Codes of Montana, 1947, All Relating to the Regulation of Commercial Feeds By Re-defining Terms, By Re-specifying the Contents of the Labels Which Such Feeds Must Carry, and By Providing for the Submission of Feed Samples to An Umpire When the

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Chemical Composition of Such Feeds Is in Question; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 3-2001, Rev. Codes, 1947.

Section 1. That Section 3-2001, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Definitions—"Commercial feeds."

"Section 3-2001. **Definitions.** The term 'commercial feeds' shall be held to include all materials used for feeding animals or poultry, except the following:

(a) Unmixed whole seeds or grains;

(b) The mixed or unmixed, *ground or rolled feeds* made directly from and consisting of the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, milo and other seeds or grains *and containing no other ingredients;*

(c) Whole, chopped or ground hays, straws, corn stover and silage, when unmixed with other materials *and not pelleted;*

(d) Feeds sold in small quantities and used solely for household pets except dogs;

(e) Wet beet pulp, barley sprouts, and whole screenings."

Amendment of Sec. 3-2002, Rev. Codes, 1947.

Section 2. That Section 3-2002, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Manufacturers and other sellers of commercial feed to label containers to show certain information.

"Section 3-2002. **Manufacturers and Other Sellers of Commercial Feed to Label Container to Show Certain Ingredients of Product.** All manufacturers, importers, jobbers, firms, associations, corporations or persons shall before selling or offering for sale in this state any brand of commercial feed, including wheat bran and wheat middlings straight or mixed, have printed on, or attached to each bag, package, carton or delivered with each bulk lot a plainly printed statement, hereafter referred to as the label, in a conspicuous place on the outside, containing a legible and clearly printed statement in the English language clearly and truly stating:

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(a) The net weight of the contents of the package, bag, carton or bulk lot;

(b) The brand or trade name of the feed;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;

(d) The minimum percentage of crude protein; *(in all cases the maximum percentage of equivalent crude protein derived from non-protein nitrogen sources shall be stated.)*

(e) The minimum percentage of crude fat;

(f) The maximum percentage of crude fiber;

(g) The name of each ingredient used in its manufacture;

Official names of ingredients.

The official names of all materials which have been so defined by the Association of American Feed Control Officials, shall be used in the declaration of the names of ingredients required by the provisions of this act;

Mixed feeds.

(h) In the case of mixed feeds containing more than a total of ten per cent (10%) of one or more mineral ingredients, or other unmixed materials used as mineral supplements, and in the case of mineral feeds, mixed or unmixed, which are manufactured, represented and sold for the primary purpose of *correcting* mineral deficiencies in rations for animals or poultry, and containing mineral ingredients generally regarded as dietary factors essential for normal nutrition, the minimum *and maximum* percentage of calcium (Ca), *minimum percentage* phosphorus (P) or Iodine (I) and the maximum percentage of salt (NaCL), if the same be present. Provided that if no nutritional properties other than those of a mineral nature be claimed for a mineral feed product, the percentums of crude protein, crude fat and crude fiber may be omitted;

Dietary feeds.

(i) In the case of feeds containing for their principal claim dietary factors in forms not expressible by the foregoing, such claims shall be expressed in a manner designated and in effect at the time by resolutions adopted by the Association of American Feed Control Officials;

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Salt content.

(j) In all cases *where the percentage of salt (NaCL) exceeds 2%,* the true percentage of salt shall be *stated.*"

Amendment of Sec. 3-2006, Rev. Codes, 1947.

Section 3. That Section 3-2006, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Chemist of experiment station of Montana State College to test samples.

"Section 3-2006. **Chemist of Experiment Station of Montana State College to Test Samples.** At the request of the Commissioner of Agriculture, the chemist of the agricultural experiment station of Montana state college, or his deputy, shall obtain at least one (1) sample of each brand or formula of commercial feed found sold, offered or exposed for sale or distributed in this state and shall make such analyses and tests as may be required to determine whether or not said feeds conform to the provisions of this act. For the purposes of collecting such samples, the said chemist, or his deputy is authorized to have free access during regular business hours to all places of business, mills, buildings, carriages, cars, and parcels of whatsoever kind used in this state in the manufacture, transportation, importation, sale, or storage of commercial feeds, and shall have the power and authority to open any parcel containing or supposed to contain any commercial feeds and to take therefrom samples for analysis, all such samples must be composites of equal portions of at least five (5) original packages or of at least five (5) portions from a bulk lot, taken in such manner as to be truly representative of the lot being sampled. Such samples shall be thoroughly mixed and immediately placed in containers which exclude air. Any sample, if requested, shall be divided into two parts, and shall be placed in suitable containers and sealed, and one of said containers so sealed, if requested, shall be delivered to the person in charge of such feeds. The said chemist shall analyze or cause to be analyzed, such samples as are collected, in accordance with the methods of analysis in effect at the time by the Association of Official Agricultural Chemists of North America, and the result of analysis, together with such additional information as the said chemist may deem advisable, shall be transmitted promptly to the Commissioner of Agriculture, to the manufacturer, and to the dealer or person in whose possession the product was sampled, and shall be published in reports or bulletins from time to time. The manufacturer or person responsible for the placing of any

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commodity so sampled upon the market, or the dealer or person in whose possession the feed was found, shall upon request to the said chemist, within ten (10) days after report is mailed, be furnished with a portion of the official sample.

Analysis by an umpire.

If he fails to agree with the analysis of the chemist, he may request an umpire who shall be one (1) of the list of not less than three (3) public chemists of recognized ability in feed analysis who shall be named by the chemist. Such umpire analysis shall be made at the expense of the manufacturer or seller requesting the same. The request for an umpire analysis must be made within ten (10) days after receipt of a portion of the official sample, and the results of the umpire analysis must be mailed to the chemist within twenty (20) days from the date the portion of the official sample is received by the manufacturer or seller of the feed in question. In case the umpire shall agree more closely with the chemist, the figures of the latter shall be considered correct, and in case the umpire shall agree more closely with the figures of the manufacturer or seller, then the figures of the manufacturer or seller shall be considered correct."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after January 1, 1952.

Approved February 28, 1951.

CHAPTER 128

An Act to Amend Section 16-1803, Revised Codes of Montana, 1947, Relating to Requests for Bids in Making Purchases by County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 16-1803, Rev. Codes, 1947.

Section 1. That Section 16-1803, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"16-1803. (4605.1) **Request for Bids Necessary in Making Purchases Exceeding** *Two Thousand Dollars.*

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Request for bids necessary in making purchases in excess of $2,000.

(1) No contract shall be entered into between a board of county commissioners for the purchase of any automobile, truck, or other vehicle, or road machinery, or for any other machinery, apparatus, appliance or equipment, or for any materials or supplies of any kind, for which must be paid a sum in excess of *two thousand dollars ($2,000.00)* without first publishing a notice calling for bids for furnishing the same, which notice must be published at least once a week, for three (3) consecutive weeks before the date fixed therein for receiving bids, in the official newspaper of the county, and every such contract shall be let to the lowest and best responsible bidder; provided

Exceptions

that the provisions of this section shall not apply to contracts for public printing entered into in accordance with the provisions of Chapter 12 of Title 16 and provided further, that the provisions of this section shall not apply to contracts for purchases, which in the opinion of the board, are made necessary by fires, flood, explosion, storm, earthquake, or other elements, epidemic, riot, insurrection, or for the immediate preservation of order, or of the public health, or for the restoration of a condition of usefulness which has been destroyed by accident, wear, tear, mischief, or for the relief of a stricken community overtaken by calamity.

(2) When the amount to be paid as the purchase price for any automobile, truck, or other vehicle, or road machinery of any kind, or for any other machinery, apparatus, appliance or equipment, or for any materials or supplies of any kind, shall exceed one thousand dollars ($1,000.00) the Board of County Commissioners may pro-

Payment in installments.

vide for the payment of such purchase price in installments extending over a period of not more than three (3) years; provided that when the purchase price is extended over a term of two (2) years or at least forty (40%) per cent thereof shall be paid the first year and the remainder the second year and when such purchase price is extended over a term of three (3) years at least one-third of such purchase price to be paid each year; provided that, at the time of entering into the agreement for such purchase, there shall be an unexpended balance of appropriation in the budget for the then current fiscal year available and sufficient to meet and take care of such portion of the purchase price as is payable during the then current fiscal

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year, and the budget for each following year, in which any portion of such purchase price is to be paid, shall contain an appropriation for the purpose of paying the same.

Certain rental contracts construed.

(3) Every contract entered into for the rental of machinery, equipment, apparatus, appliances, materials or supplies of any kind, which shall provide for payment of rental, by the county, and that after a certain fixed amount has been paid as rental, the property shall become the property of the county, or any other similar provisions or conditions, shall be deemed and construed to be a contract for sale of such property, and all of the provisions of this section shall apply thereto and govern and control the same."

Approved February 28, 1951.

CHAPTER 129

An Act to Amend Section 3-1705, Subsection (A), Revised Codes of Montana, 1947, by Eliminating the Words "And Every Brand Of" in Order to Clarify the Fee to Be Paid for the Registration of Commercial Fertilizers; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3-1705, Subsection (a), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 3-1705, Sub. Sec. (a) Rev. Codes, 1947.

"Section 3-1705. **Registration and License of Fertilizers — Fee — Statements of Amounts of Fertilizer Sold — Cancellation of Registration for Failure to File Statements.**

Registration and license of fertilizers.

(a) Before any commercial fertilizer is sold or offered for sale within the State of Montana, the manufacturer, importer or party who causes it to be sold or offered for sale, shall separately register with the Commissioner of Agriculture of the State of Montana, each and every brand and also each different mixed or unmixed commercial fertilizer which he offers for sale under the same brand, and shall pay annually to said commissioner, before offering such product for sale, a license fee of twenty-five dollars

Fee.

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($25.00), for each commercial fertilizer so registered and offered for sale in this state, and shall at the same time file with said commissioner a certified copy of the statement and certificate referred to in Sections 3-1702 and 3-1703 and shall also deposit with said commissioner a sealed glass jar containing not less than two (2) pounds of such fertilizer, with an affidavit that it is a fair sample of the article thus to be sold, or offered for sale. The said Commissioner of Agriculture may refuse to register materials whose value in improving soil conditions cannot be established by experimental evidence.

Samble to be submitted to commissioner.

Statement of amount of fertilizer sold by registrant.

(b) It is required of each registrant who causes fertilizer to be sold or offered for sale under this act that he furnish the Commissioner of Agriculture with a written statement of the amount of each brand of fertilizer sold by him in the state. Said statement shall include all sales for the periods of January first to and including June thirtieth and of July first to and including December thirty-first of each year. The commissioner may, in his discretion, cancel the registration of any person or firm failing to comply with this section if the above statement is not made within thirty (30) days from date of notification. The commissioner, however, in his discretion, may grant a reasonable extension of time.''

Cancellation for failure to file statement.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 130

An Act to Amend Subdivision 5 of Section 90-132, Revised Codes of Montana, 1947, Relating to the Standard Size of Berry Containers and Net Weight of Contents By Adding Provision for One-half Pint Hallocks or Containers and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amendment of Sec. 90-132, Rev. Codes, 1947.

Section 1. That Section 90-132 (4246), Revised Codes of Montana, 1947, under Subdivision 5, be, and the same is hereby amended to read as follows:

Weight of commodities to be indicated on containers.

"Section 90-132. (4246) **Weight of Commodities to Be Indicated On Containers — Penalties.** It shall be unlawful for any person or persons, association, or corporation, to sell or offer for sale in this state any commodity or article of merchandise in a package or container, without having such package or container labeled in plain, intelligible words and figures, with a correct statement of the net weight, measure, or numerical count of its contents, designated, where not otherwise provided, by lettering of at least one-ninth (1/9) inch in heighth (8 point type). Provided, that nothing in this section shall prevent the sale of a commodity within the provisions of this act when such sale is made from bulk and the quantity is weighed, measured, or counted for the immediate purpose of such sale; provided, further, that nothing in this section shall apply to commodities or articles of merchandise, except milk and cream, offered for sale or sold in packages or containers at a price of ten cents (10¢) or less per such package or to commodities or articles of merchandise in packages or containers which are sold by the aggregate net weight of the contents thereof.

Commodities and merchandise to be sold by true net weight, measure or numerical count.

1. It shall be unlawful for any person to sell or offer for sale in this state any commodity or article of merchandise, except by true net weight, measure, or numerical count, except where the parties otherwise agree. Contracts for work done, or anything to be sold by weight or measure, shall be construed according to the standards hereby adopted as the standards of this state, except where the parties have agreed upon any other calculations of measurement, and all statements and representations of any kind referring to the weight or measure of commodities or articles of merchandise shall be understood in the terms of the standards of weights and measures aforesaid. It shall be unlawful for any person to sell solid substances by liquid measure.

Offenses enumerated.

2. It shall be unlawful for any person, in buying or selling any commodity or article of merchandise, to make or give false or short weight or measure, or to sell or offer for sale any commodity or article of merchandise less in

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weight or measure than he represents, or to use a weight, measure, balance or measuring device that is false and does not conform to the authorized standard for determining the quantity of any commodity or article of merchandise, or to have a weight, measure, balance, or measuring device adjusted for the purpose of giving false or short weight or measure, or to use in buying or selling of any commodity or article of merchandise a computing scale or device indicating the weight and price of such commodity or article of merchandise, upon which scale or device the graduations or indications are falsely or inaccurately placed, either as to weight or price, or to use any computing scale having a horizontal registering bar with a barrel computing device, unless such scale is adjusted to register the correct weight from all angles of vision, and the view on the customer's side shall never be, in any manner, obstructed. The selling and delivering of any commodity or article of merchandise shall be prima facie evidence of the representation on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation, or waste that there may be from the time a package or container is filled by a vendor until he sells the same. A slight variation from the stated weight, measure or quantity for individual packages not to exceed three percent (3%) is permissible; provided, that the variation is as often above as below the weight, measure or quantity stated.

Refusal to exhibit article for testing its quantity — a misdemeanor.

3. Any person, who by himself, or his employee or as a proprietor or manager, shall refuse to exhibit any article, commodity or the container of any commodity, produce or anything being sold or offered for sale at a given weight or quantity, or ordinarily so sold, to the state sealer of weights and measures, or his deputies, for the purpose of allowing the same to be tested and proved as to the quantity contained therein as in this act provided, shall be guilty of a misdemeanor.

Containers.

4. The term container used in this act is hereby defined to be ANY receptacle or carton into which a commodity is packed, or any wrappings with which any commodity is wrapped or put up for sale, or to be offered or exposed for sale. No containers, boxes, or baskets wherein food products or other commodities are packed shall have a

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false bottom, false side walls, false lid or covering, or be otherwise so constructed as to facilitate the perpetration of deception or fraud. The state sealer of weights and measures, or his deputies, may seize any container which facilitates the perpetration of deception or fraud. By order of a court having jurisdiction the containers seized shall be condemned and destroyed or released upon such conditions as the court in its discretion may impose, to insure against their use in violation of this section.

Berry containers.

5. There are hereby established the following standard net weights for all berry containers, or hallocks in which strawberries, blackberries, currants, gooseberries, or any other berries, *except red or black raspberries,* are sold or offered for sale in this state:

(a) Pint hallocks or containers shall be 33.6 cubic inches in capacity and the contents thereof shall have a net minimum weight of twelve (12) ounces.

(b) Quart hallocks or containers shall be 67.2 cubic inches in capacity and contents thereof shall have a net minimum weight of twenty-four (24) ounces. *Red or black raspberries shall be marketed in either pint hallocks or one-half (½) pint containers or hallocks of 16.8 cubic inches capacity and minimum weight of eight (8) ounces.* The sale of, or having in possession for sale, any strawberries, red or black raspberries, blackberries, currants, gooseberries or any other berries in containers or hallocks not complying with the provisions of this act shall be a misdemeanor punishable, upon conviction, by a fine of not less than ten dollars ($10.00), nor more than twenty-five dollars ($25.00)."

Penalty.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 131

An Act to Amend Section 25-227 (4886) of the Revised Codes of Montana, 1947, As Amended By Chapter 103

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of the Laws of the Thirty-first Legislative Assembly, 1949, Relating to Fees Allowed Sheriffs for the Board of Prisoners; Providing for an Increase of Said Fees; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 25-227, Rev. Codes, 1947, as amended.

Section 1. That Section 25-227 (4886) of the Revised Codes of Montana, 1947, as amended by Chapter 103 of the Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is hereby amended to read as follows:

Fees for board of prisoners.

"25-227. (4886) **Fees for Board of Prisoners.** The fees allowed sheriffs of the several counties of the state for the board of prisoners confined in jail under their charge shall be at the rate of *one dollar and seventy-five cents ($1.75)* per day for each of said prisoners, when the number of prisoners shall be *twenty (20)* or less each day. When the number of prisoners per day shall exceed *twenty (20)* and be less than *thirty (30)* then at the rate of *one dollar and fifty cents ($1.50)* per day for each of said prisoners *in excess of twenty (20)* per day. When the number of prisoners per day shall exceed *twenty-nine (29)* and be less than *forty (40)*, then at the rate of *one dollar and twenty-five cents ($1.25)* per day for each and all of said prisoners *in excess of twenty-nine (29);* and when the number of prisoners per day shall exceed *thirty-nine (39)*, then at the rate of *one dollar ($1.00)* per day for each of said prisoners *in excess of thirty-nine (39); provided the term 'per day' shall mean a twenty-four (24) hour period in which at least one substantial meal has been served to such prisoner."*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after July 1, 1951.

Approved February 28, 1951.

CHAPTER 132

An Act for the Submission to the Qualified Electors of the State of Montana of An Amendment to the Constitu-

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tion of the State of Montana, Amending Section 6 of Article XVI of Said Constitution, Relating to the Authorization of the Legislative Assembly to Provide for the Election or Appointment of County, Township, Precinct and Municipal Officers Not Otherwise in the Constitution Provided As Public Convenience May Require Increasing the Limit of Time of Office From Two Years to Four Years.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 6 of Art. XVI of the Constitution to be submitted to electors.

Section 1. That Section 6 of Article XVI of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November 1952.

Section 2. That Section 6 of Article XVI of the Constitution of the State of Montana, be, and the same is hereby amended to read as follows:

Amendment as proposed.

"Section 6. The legislative assembly may provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require and their terms of office shall be prescribed by law, not in any case to exceed *four (4) years,* except as in this constitution otherwise provided."

Official ballot, contents of.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided by Section 23-1102 of the Revised Codes of Montana, 1947, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

☐ For the above amendment.

☐ Against the above amendment.

The elector shall designate his preference for either of the propositions by marking "X" before the proposition for which he desires to vote.

Canvas of the votes cast.

Section 4. The vote cast for and against the amendment herein proposed shall be counted, canvassed and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such

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amendment the governor of the State of Montana shall so declare by public proclamation, and the amendment shall be in full force and effect as a part of the constitution from and after the date of such proclamation.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 133

An Act to Amend Section 26-112, of the Revised Codes of Montana 1947, Relating to the Appointment of Deputy Fish and Game Wardens, a Chief Deputy Fish and Game Warden and Special Deputy Fish and Game Wardens; Providing for the Removal, Rating, Salary and Expenses of Such Deputy Game Wardens and Repealing the Seven Hundred and Fifty Dollar Annual Limitation of Expense Allowed Deputy Game Wardens While Upon Official Business.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 26-112, Rev. Codes, 1947.

Section 1. That Section 26-112 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Power of fish and game commission with respect to deputies.

"Section 26-112. The State Fish and Game Commission shall have the power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and passing upon charges against deputy state fish and game wardens, to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of deputy state fish and game wardens or to carry out the provisions of this section. The state fish and game warden, by and with the consent and approval of the commission, shall have power to employ a chief deputy fish and game warden, who shall have previously served as a deputy fish and game warden, or who has had several years' experience in wildlife management, who shall be a peace officer and hold his office for such time as the warden may direct, and who may be removed from office by said state fish and game warden at any time for cause after due hearing

Chief deputy fish and game warden.

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before said commission. The chief deputy fish and game warden shall have the same powers and duties as a deputy game warden as provided by law and in addition shall serve as acting state fish and game warden in the absence of said warden and shall maintain his office in the fish and game department office at the seat of the state government. The salary of deputy state fish and game wardens shall be fixed by the commission, with the approval of the State Board of Examiners. Deputy state fish and game wardens shall not be removed unless furnished with a reason for removal and given a hearing in his own defense. Special deputy game wardens may be employed on a seasonal or other basis to serve at pleasure of the State Fish and Game Commission.

Salaries.

Each deputy state fish and game warden shall be allowed his actual and necessary traveling expenses while away from his place of residence upon official business connected with his office, said expenses to be approved by the state fish and game warden and paid upon proper vouchers from the state fish and game fund.

Traveling expenses.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 134

An Act to Amend Section 26-319 of the Revised Codes of Montana, 1947, Relating to the Penalty for Violating Closed Season On Certain Game Birds to Include in Such Provisions Penalty for Violating the Closed Seasons On All Upland Game Birds and the Power of the Commission to Declare An Open Season On Such Game Birds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-319 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 26-319. *It shall hereafter be unlawful for* any person to hunt, shoot, kill, capture, or cause to be hunted, killed or captured or attempts to shoot, kill, or capture

Hunting certain game birds out of season declared unlawful.

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any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasants, Hungarian partridge, *chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse,* ptarmigan or wild turkey *until such time as the commission shall provide an open season on any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasant, Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse, ptarmigan or wild turkey.*

Penalty.

Any person violating any of the provisions of this act or any person who has in his possession any of such birds or any part of any such birds, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00), nor more than two hundred fifty dollars ($250.00), or by imprisonment in the county jail for not more than sixty (60) days, or by such fine and imprisonment."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 135

An Act to Amend Section 31-135 of the Revised Codes of Montana, 1947, Relating to the Driver Licenses Issued to Operators and Chauffeurs Driving Motor Vehicles Upon Highways of and in the State of Montana: and Providing for the Suspension of Those Driver Licenses Marked "Provisional", and Repealing Section 31-139 of the Revised Codes of Montana, 1947; Providing, That After December 31, 1951 Such Operators and Chauffeurs Shall Be Licensed for Two (2) Years and That a License Fee of Three Dollars ($3.00) Shall Be Charged for Each License; Providing, That From January 1, 1952 and Until December 31, 1952, Inclusive, Applicants for Such Licenses Shall Be Classified According to Birthdates, As Follows: (1) Applicants Born Prior to January 1, 1910; (2) Applicants Born On or After January 1, 1910; Providing License Fees for Such Licenses for Such Period From January 1, 1952 and Until December 31, 1952, Inclusive, to Be Paid by Applicants of Each

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Class for Such Licenses; Providing That This Act Shall Be in Full Force and Effect From and After December 31, 1951, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 31-135, Rev. Codes, 1947.

Section 1. That Section 31-135 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 31-135. **Licenses Issued to Operators and Chauffeurs.**

Agents for the sale of drivers' licenses.

(a) The highway patrol board shall have authority to appoint county treasurers and other qualified officers to act as its agent or agents for the sale of drivers licenses, and shall make necessary rules and regulations governing such sales. The board shall, upon payment of *three dollars ($3.00),* issue to every applicant qualifying therefor, an operator's or chauffeur's license as applied for, which license shall be purchased *bi-annually on or before the operator's or chauffeur's birthday, and shall expire on the anniversary of the date of birth of the operator or chauffeur, two (2) years or less after the date of issue,* and shall bear thereon, a distinguishing number issued to the licensee, the full name, date of birth, residence address, and a brief description of the licensee and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink, immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee, *but all operators' or chauffeurs' licenses renewed in the year 1951 shall expire December 31, 1951.*

Operator's or chauffeur's licenses.

Term of licenses — renewal.

(b) *Every operator's or chauffeur's license issued hereunder shall be valid for a term of two (2) years, except as otherwise provided, and shall be renewed for a like period on or before the second anniversary of the licensee's date of birth next succeeding date of issue for a further period of two (2) years from such anniversary, upon receipt of the application and fee as in the case of original application as provided herein. Notwithstanding the foregoing provisions the highway patrol board shall change the expiration dates to a system of staggered expiration dates based on the anniversary date of birth of the ap-*

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plicant and shall collect additional fees as hereinafter provided.

Expiration of licenses issued after Jan. 1, 1952.

(c) *Effective January 1, 1952, and until December 31, 1952, each applicant who was born prior to January 1, 1910, shall apply for an operator's or chauffeur's license to expire on the 1953 anniversary of his birth and shall pay, therefor, a fee of twenty-five cents (25¢) for each two (2) months' period, or fraction thereof, of the effective life of such license. Each applicant who was born on or after January 1, 1910, shall apply for an operator's or chauffeur's license to expire on the 1954 anniversary of his birth, and shall pay therefor, a fee of twenty-five cents (25¢) for each two (2) months, or fraction thereof, of the effective life of such license.*

Fee.

Licenses issued to minors.

(d) Whenever the board issues an original license to a person under the age of twenty-one (21) years, such license shall be designated and clearly marked as a 'provisional license'. *Any license so designated and marked may be suspended by the board for a period of not more than twelve (12) months, when its record discloses that the licensee, subsequent to the issuance of such license, has been guilty of careless or negligent driving.* Upon renewal as applicable to operator's licenses, the board may for any reasonable cause, as shown by its records, designate the renewal of the license as provisional, otherwise, a license in usual form shall be issued subject to other provisions of *the laws of Montana.*

Suspension for cause.

Possession of more than one license unlawful.

(e) It shall be unlawful for any person to have in his possession or under his control, more than one Montana operator's or chauffeur's license at any one time.''

Repealing clause.

Section 2. Section 31-139, Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after December 31, 1951.

Approved February 28, 1951.

CHAPTER 136

An Act to Amend Section 25-604, of the Revised Codes

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of Montana, 1947, Relating to the Power of County Commissioners to Fix Salaries of Deputies—Limitations On Their Power; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 25-604, Rev. Codes, 1947.

Section 1. That Section 25-604, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County commissioners to fix salaries of deputies.

"Section 25-604. (4874) **County Commissioners to Fix Salaries of Deputies—Limitation.** That the Boards of County Commissioners in the several counties in the state shall have the power to fix the compensation allowed any deputy or assistant mentioned in the preceding section *except as herein provided;* provided the salary of no deputy or assistant shall be more than ninety per cent (90%) of the salary of the officer under whom such deputy or assistant is serving; *except as herein provided;* where any deputy or assistant is employed for a period of less than one (1) year the compensation of such deputy or assistant shall be for the time so employed; provided, the rate of such compensation shall not be in excess of the rates now provided by law for similar deputies and assistants, *except as herein provided;* said Boards of County Commissioners shall likewise have the power to fix and determine the number of deputy county officers and allow to the several county officers a greater or less number of deputies or assistants, than the maximum number allowed by law, when in the judgment of the Board of County Commissioners such greater or less number of deputies is or is not needed for the faithful and prompt discharge of the duties of any county office; provided that after this act becomes effective the maximum salary rate per month of any deputy or assistant should not be less than the maximum salary allowed in any month of the year immediately previous to the date this act becomes effective. *In fixing the compensation allowed the under sheriff the board must fix the same at ninety-five per cent (95%) of the salary of the officers under whom such under sheriff is serving;*

Limitations.

Number of deputies.

Under-sheriff.

deputy sheriffs.

In fixing the compensation allowed the deputy sheriffs the board must fix the same at ninety per cent (90%)

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of the salary of the officer under whom such deputy sheriff is serving.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 137

An Act to Amend Section 82-1149 of the Revised Codes of Montana of 1947: Providing for An Increase in the Prices for State Printing, and Defining Newspapers in Which State Printing Shall Be Published, Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 82-1149, Rev. Codes, 1947.

Section 1. That Section 82-1149 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Establishment of prices for state printing.

''82-1149. Hereafter in all cases and instances where any publication is required by law, or is duly authorized, to be made, executed or accomplished by or for or on behalf of the State of Montana, or any of the institutions of said state or any of the departments, boards, bureaus, or commissions thereof, of any of the officers, agents or employees of the state when acting within the scope of their lawful authority and for the benefit of the State of Montana, *the same shall be published in a newspaper printed and published in the State of Montana, and of general bona fide and paid circulation with second class mailing privilege, and having been printed and published continuously in the State of Montana for at least twelve (12) months immediately preceeding such publication;* the price for such publication and by whomsoever accomplished shall not exceed the following rate and standard hereby established and prescribed as the maximum rate and standard for all publications as aforesaid:

Newspapers in which publication may be made.

(a) For every folio of one hundred (100) words, or any fraction thereof, *two dollars ($2.00)* for the first insertion, and *ninety cents (90¢)* for each subsequent insertion thereof required by law to be made.

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(b) For rule and figure work, *three dollars ($3.00),* for every folio of one hundred (100) words or any fraction thereof, for the first insertion, *and ninety cents (90¢)* for each subsequent insertion thereof required by law to be made."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 138

An Act to Amend Chapter 127 of the Laws of the Thirty-First Legislative Assembly of the State of Montana, 1949, Relating to Contracts for Public Printing, Fixing the Prices Therefor, Providing for a Penalty for Violation of the Provisions of This Act, and Repealing All Other Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Chap. 127, Laws of 1949.

Section 1. That Chapter 127 of the Session Laws of the Thirty-First Legislative Assembly of the State of Montana, 1949, be, and the same is hereby amended to read as follows:

County commissioners to contract for printing at prices fixed in Act.

"Section 1. It is hereby made the duty of the county commissioners of the several counties of the State of Montana to contract with some newspaper, printed and published at least once a week, and of general bona fide and paid circulation with second class mailing privilege, printed and published within the county, and having been printed and published continuously in such county at least twelve (12) months immediately preceding the awarding of such contract, to do and perform all the printing for which said counties may be chargeable, including all legal advertising required by law to be made, blanks, blank books, election supplies, loose leaf forms, official publications, and all other printed forms required for the use of such counties at not more than the prices specified in Sections 2 to 17 inclusive of this Act."

Official publications and legal advertising.

"Section 2. **Official Publications and Legal Advertising.** For every folio or fraction thereof, not more than *two dollars ($2.00)* shall be paid for the first insertion

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thereof, and not more than ninety cents (90¢) per folio for each subsequent insertion thereof, required by law to be made. For rule and figure work, not more than *three dollars ($3.00)* per folio or fraction thereof, for the first insertion, and not more than ninety cents (90¢) per folio for each subsequent insertion thereof, required by law to be made.

Basis of folio measurement.

That for the purpose of establishing a basis of folio measurement, one standard newspaper column, when set in the following mentioned type size, shall constitute a folio: 12 lines of solid six point, or approximately one hundred words; fourteen lines of solid seven point, or approximately one hundred words; fifteen lines of solid eight point, or approximately one hundred words; seventeen lines of solid nine point, or approximately one hundred words; eighteen lines of solid ten point, or approximately one hundred words.

Sizes of type.

For the purpose of determining the different sizes of type hereinbefore mentioned, the following point system measurements as universally used by the graphic arts industries shall prevail: Computing seventy-two points to a linear column inch, there shall be twelve lines of solid six point; 10.285 lines of solid seven point; nine lines of solid eight point; eight lines of solid nine point; 7.2 lines of solid ten point to each column inch.

Rule and figure work.

For rule and figure work the basis for determination of this style shall be not less than two justifications."

Envelopes.

"Section 3. **Envelopes.**

			500	1000	Addl. 1000
White Wove	6¾–24	Grade 350..	$ 6.00	$ 9.20	$ 6.25
	6¾–28	Grade 400..	6.35	9.85	6.90
	10–24	Grade 500..	7.00	11.10	8.25
	10–28	Grade 600..	7.60	12.40	9.50
White Bond	6¾–20	Grade 350..	6.00	9.20	6.25
	10–20	Grade 500..	6.35	9.85	6.90
Manila or Kraft	6¾–20	Grade 250..	4.90	7.00	4.10
	10–28	Grade 500..	7.00	11.10	8.25
	12–28	Grade 700..	8.25	13.70	10.80"

Letterheads.

"Section 4. **Letterheads.**

	250	500	1000	Addl. 1000
8½x 7–16 or 20, Grade 27½	$ 8.45	$ 9.70	$12.15	$ 4.65

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8½x 7–16 or 20, Grade 40	8.75	10.30	13.35	5.85
8½x11–16 or 20, Grade 27½	8.75	10.30	13.35	5.85
8½x11–16 or 20, Grade 40	9.15	11.10	14.95	7.45"

"Section 5. **Legal Blanks.** Legal blanks.

	250	500	1000	Addl. 1000
7 x8½, printed one side	$ 9.25	$10.90	$14.45	$ 6.70
7 x8½, printed two sides	17.00	19.25	23.85	8.80
8½x14, printed one side	11.55	14.40	20.35	11.50
8½x14, printed two sides	20.00	23.50	30.60	13.65
8½x28, printed one side	21.70	28.10	40.65	24.75
8½x28, printed two sides	36.55	43.80	57.70	27.45"

"Section 6. **General Office Forms, Original Only.** Printed one or two sides, padded or loose. Actual cost of paper per ream pound indicates the grade number listed herewith. Grade numbers cover either 13, 16 or 20 pound substance paper. General office forms, original only.

Size 4⅜x8½	250	500	1000	Addl. 1000
1 Side, Grade 20	$ 9.90	$ 10.75	$ 12.30	$ 3.65
1 side, Grade 30	10.05	11.10	13.10	4.55
1 side, Grade 40	10.25	11.40	13.60	5.30
Different form other side add	7.15	7.70	8.90	.70

Size 5½x8½	250	500	1000	Addl. 1000
1 side, Grade 20	$ 11.10	$ 12.00	$ 13.80	$ 4.15
1 side, Grade 30	11.25	12.35	14.45	4.90
1 side, Grade 40	11.40	12.65	15.10	5.70
Different other side add	7.85	8.45	9.60	.80

Size 6x9½—7¼x8½	250	500	1000	Add'l. 1000
1 side, Grade 20	$ 13.15	$ 14.25	$ 16.20	$ 4.60
1 side, Grade 30	13.35	14.65	17.05	5.50
1 side, Grade 40	13.60	15.05	17.85	6.55
Different other side add	9.10	9.70	10.85	.80

Size 7x10—8½x9¼	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 15.55	$ 16.85	$ 19.25	$ 5.50
1 side, Grade 27½	15.70	17.10	19.75	6.25
1 side, Grade 40	16.05	17.80	21.15	7.85
Different other side add	10.70	11.30	12.45	.80

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Size 8½x11—6¾x14	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 17.90	$ 19.95	$ 22.70	$ 6.50
1 side, Grade 27½	18.05	20.25	23.35	7.25
1 side, Grade 40	18.45	21.05	24.95	9.20
Different other side add	12.90	13.50	14.75	.95

Size 8½x14 or 9½x12	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 21.85	$ 23.60	$ 26.70	$ 7.35
1 side, Grade 27½	22.05	23.90	27.50	8.40
1 side, Grade 40	22.60	24.95	29.55	10.85
Different other side add	15.10	15.70	16.90	1.10

Size 8x19 or 11¼x14	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 27.25	$ 29.45	$ 33.60	$ 9.65
1 side, Grade 27½	27.50	29.95	34.70	11.00
1 side, Grade 40	28.20	31.35	37.40	14.30
Different other side add	18.60	19.35	20.80	1.30

Size 11x17 or 7½x24	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 32.00	$ 34.25	$ 38.55	$ 10.10
1 side, Grade 27½	32.35	34.90	39.80	11.55
1 side, Grade 40	33.15	36.50	43.05	15.50
Different other side add	21.80	22.60	24.05	1.30

Size 12x19 or 14x17	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 41.15	$ 43.80	$ 48.85	$ 12.10
1 side, Grade 27½	41.55	44.60	50.50	14.10
1 side, Grade 40	42.60	46.65	54.60	18.95
Different other side add	28.05	28.85	30.30	1.30

Size 17x22 or 11x34	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 42.20	$ 45.90	$ 53.10	$ 17.05
1 side, Grade 27½	42.85	47.20	55.65	20.15
1 side, Grade 40	44.45	50.40	62.10	27.85
Different other side add	27.45	28.25	29.70	2.05

Size 19x24 or 12x38	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 53.60	$ 57.90	$ 66.40	$ 20.35
1 side, Grade 27½	54.35	59.45	69.55	24.05

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1 side, Grade 40	56.35	63.40	77.40	33.50
Different other side add	35.00	35.75	37.20	2.60

Size 17x28 or 14x34	250	500	1000	Addl. 1000
1 side, Grade 22½	$ 53.90	$ 58.40	$ 67.45	$ 21.40
1 side, Grade 27½	54.70	60.05	70.70	25.40
1 side, Grade 40	56.75	64.15	78.90	35.20
Different other side add	35.50	36.25	37.75	3.35''

''Section 7. **General Forms, Receipts and Requisitions in Duplicate or More Copies.** Actual cost of paper per pound for both original and duplicate copies as indicated by the grade numbers listed herewith. Grade numbers cover either 13, 16 or 20 substance paper, perforated, gathered, numbered and padded.

General forms, receipts and requisitions in duplicate or more copies.

Size 3½x8½ or less 1 side only	250	500	1000	Addl. 1000
Original and Duplicate, Grade 60	$ 11.90	$ 14.40	$ 19.20	$ 8.25
Grade 80	12.15	14.95	20.35	9.35
Grade 100	12.25	15.20	20.70	9.80
Triplicate or more, and for each additional blank, Grade 30	1.20	2.25	4.10	2.70
Bound 50 sets to book in Tag or Marble-board cover	1.10	1.80	3.20	2.90
If original printed both sides add	9.00	9.70	10.95	.70
If original and duplicate printed both sides add	9.70	10.95	10.60	1.05

Size 5½x8½, 1 side only	250	500	1000	Addl. 1000
Original and Duplicate, Grade 60	$ 14.65	$ 17.65	$ 21.60	$ 10.60
Grade 80	14.90	18.20	23.25	12.35
Grade 100	15.20	18.75	24.40	13.50
For each additional blank, add Grade 30	1.50	2.70	5.05	3.75
Bound 50 sets to book in Tag or Marble-board cover	1.40	2.10	3.40	3.30

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If original printed both sides add	11.40	12.05	13.30	.70
If original and duplicate printed both sides, add	12.05	13.30	13.95	1.15
Sizes over 5½x8½, but not over 7x11, 1 side only	250	500	1000	Addl. 1000
Original and Duplicate, Grade 60	$ 20.15	$ 23.70	$ 30.65	$ 13.00
Grade 80	20.55	24.70	32.55	14.85
Grade 100	21.05	25.65	34.50	16.80
For each additional blank, add Grade 30	1.90	3.50	6.55	5.35
Bound 50 sets to book in Tag or Marbleboard cover	1.45	2.20	3.60	3.30
If original printed both sides add	11.80	12.45	13.70	.80
If original and duplicate printed both sides add	12.45	13.70	14.45	1.20
Sizes over 7x11, but not over 8½x11, 1 side only	250	500	1000	Addl. 1000
Original and Duplicate, Grade 60	$ 23.60	$ 27.60	$ 35.55	$ 14.35
Grade 80	24.15	28.75	37.80	16.65
Grade 100	24.75	29.90	40.05	18.90
For each additional blank, add Grade 30	2.05	3.85	7.15	5.85
Bound 50 sets to book in Tag or Marbleboard cover	1.55	2.40	3.85	3.60
If original printed both sides add	14.20	14.85	16.25	.80
If original and duplicate printed both sides, add	14.85	16.25	16.90	1.26

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Sizes over 8½x11, but not over 8½x14, 1 side only	250	500	1000	Addl. 1000
Original and Duplicate, Grade 60	$ 27.70	$ 32.35	$ 41.25	$ 16.70
Grade 80	28.45	33.80	44.15	19.60
Grade 100	29.15	35.25	47.00	22.50
For each additional blank, add Grade 30	2.35	4.35	8.20	6.90
Bound 50 sets to book in Tag or Marbleboard cover	1.65	2.65	4.30	4.05
If original printed both sides add	16.60	17.25	18.60	.80
If original and duplicate printed both sides, add	17.25	18.60	19.25	1.30

Sizes over 8½x14, but not over 7¼x17, 1 side only	250	500	1000	Addl. 1000
Original and Duplicate, Grade 60	$ 29.35	$ 34.50	$ 44.40	$ 17.00
Grade 80	30.15	36.00	47.40	20.00
Grade 100	30.85	37.50	50.40	23.10
For each additional blank, add Grade 30	2.50	4.50	8.50	7.20
Bound 50 sets to book in Tag or Marbleboard cover	2.20	3.75	6.50	6.25
If original printed both sides add	17.80	18.60	20.15	.90
If original and duplicate printed both sides, add	18.60	20.15	21.00	1.50

Sizes over 7¼x17, but not over 11x17, 1 side only	250	500	1000	Addl. 1000
Original and Duplicate, Grade 60	$ 39.95	$ 46.10	$ 58.10	$ 23.00
Grade 80	41.05	48.35	62.65	27.50

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Grade 100	42.20	50.60	67.15	32.05
For each additional blank, add Grade 30..	3.30	6.05	11.35	10.10
Bound 50 sets to book in Tag or Marbleboard cover	2.40	4.20	7.35	7.15
If original printed both sides add	24.00	24.85	26.45	1.20
If original and duplicate printed both sides, add	24.85	26.45	27.66	2.35''

Tax receipts in quintuple and more or less copies.

''Section 8. **Tax Receipts in Quintuple and More or Less Copies.** Perforated, gathered, numbered, different color paper for each sheet, bound in book of 50 sets each complete.

	500 or Less	1000	2000	3000	Addl. 1000
Size 8½x11	$52.40	$ 77.45	$128.85	$176.60	$50.10
If additional sheet add	3.75	6.85	11.85	16.85	5.00
Add for extra color	3.10	6.95	9.10	12.20	3.10
If statement printed on other side add	4.60	8.75	11.85	15.00	3.10
Size 9¼x11⅞ or 8½x14	61.10	89.10	145.55	201.45	56.00
If additional sheet add	5.00	8.10	13.10	18.75	5.95
Add for extra color	3.75	6.55	9.70	12.80	3.10
If statement printed on other side add	6.25	9.40	12.50	15.60	3.10
Size 10¾x16¾ or 11x17	79.90	114.05	184.20	252.65	68.45
If additional sheet add	6.55	10.55	16.50	24.75	7.40
Add for extra color	4.40	7.20	10.30	12.90	3.75

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If statement printed on back add	6.90	10.00	12.60	16.25	3.75

To ascertain price on more than five (5) copies (quintuple) add for each additional sheet: For less than five (5) copies, deduct for each sheet at rate set forth above for sizes specified.'' More than five copies.

''Section 9. **Assessment Lists** — Printed 1 or 2 Sides. Assessment lists.

	1000	2000	3000	Addl. 1000
Size 8½x14 in duplicate, gathered, padded, perforated	$65.05	$ 91.35	$117.35	$27.55
If original only, padded	48.40	56.55	64.70	8.25
Bound in books of 50 or 75 sets add	6.60	9.90	13.20	3.30

	1000	2000	3000	Addl. 1000
Size 8¾x15 to 9½x16½ or 9½x17 in duplicate	$74.15	$104.05	$133.40	$28.05
If original only, padded	56.00	65.05	73.80	10.25
If bound in books of 50 or 75 sets add	7.60	12.65	17.05	5.00
Size 14x17 in duplicate	79.30	127.70	163.05	33.75
If original only, padded	68.20	78.10	88.25	10.45
If bound in books of 50 or 75 sets add	8.80	14.55	18.15	6.05''

''Section 10. **Imprinting Corner Card on Government Stamped Envelopes and Printing Post Cards, Stock Furnished.** Imprinting on government stationery, stock furnished.

	500	1000	2000	3000	Addl. 1000
Envelopes	$3.00	$ 4.50	$ 7.50	$10.50	$ 3.00
Post Cards, 1 side printed	4.15	5.25	7.50	9.75	3.00
Both sides printed	7.90	10.15	14.65	19.15	4.50''

''Section 11. **Index Cards, Class B, Grade 800.** Index cards.

	500	1000	Addl. 1000
3x5 one side	$ 9.35	$11.95	$ 4.70

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Same form, both sides	10.95	14.45	6.20
Different forms, each side	16.85	20.25	6.20
4x6 one side	11.60	15.05	6.45
Same form, both sides	13.20	17.60	8.05
Different forms, each side	20.05	24.50	8.05
5x8 one side	14.15	18.85	9.20
Same form, both sides	15.75	21.40	10.80
Different forms, each side	23.90	29.60	10.80''

Special ruled and printed forms.

''Section 12. **Special Ruled and Printed Forms.** Prices apply to both sides ruled different with deductions for ruling and printing the same both sides or ruled and printed one side only. Prices include punching for loose leaf holders with rings or posts and green edging of sheets. Numbering of guide lines printed along binding edge of sheet, add one dollar and fifty cents ($1.50) for each guide line.

8½x11 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 31.15	$ 36.70	$ 46.45	$ 16.15
Grade 30-32 Sub	31.40	37.30	47.60	18.80
Grade 60-36 Sub	33.70	42.05	56.95	28.20
Deduct if both sides alike	5.05	4.95	4.85	.25
Deduct if printed and ruled, 1 side only	7.80	8.60	10.10	2.50

8½x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 36.20	$ 42.30	$ 53.30	$ 20.00
Grade 30-32 Sub	36.60	42.95	54.65	21.50
Grade 60-36 Sub	39.50	49.00	66.55	33.40
Deduct if both sides ruled and printed alike	7.35	7.25	7.10	.25
Deduct if ruled and printed, 1 side only	9.35	10.10	11.60	2.80

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9¼x17 TOTAL OF 12 UNITS COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 40.25	$ 47.65	$ 61.10	$ 26.40
Grade 30-32 Sub	40.80	48.65	63.10	25.95
Grade 60-36 Sub	45.10	56.95	79.50	44.20
Deduct if both sides ruled and printed alike	7.35	7.25	7.10	.25
Deduct if ruled and printed, 1 side only	9.35	10.10	11.60	2.80

9½x12 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 32.75	$ 38.85	$ 49.85	$ 19.50
Grade 30-32 Sub	33.05	39.55	51.25	20.85
Grade 60-36 Sub	35.95	45.30	62.70	32.40
Deduct if both sides ruled and printed alike	5.55	5.45	5.35	.25
Deduct if ruled and printed, 1 side only	8.10	8.85	10.35	2.50

9½x24 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 55.00	$ 64.80	$ 83.95	$ 34.75
Grade 30-32 Sub	55.70	66.25	85.55	37.55
Grade 60-36 Sub	61.50	77.70	108.50	60.50
Deduct if both sides ruled and printed alike	11.40	11.20	11.00	.25
Deduct if ruled and printed, 1 side only	13.90	14.90	16.90	5.60

10½x16 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 44.50	$ 52.70	$ 67.55	$ 27.70

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Grade 30-32 Sub.....	45.10	53.65	69.65	29.80
Grade 60-36 Sub.....	49.40	62.15	86.50	43.55
Deduct if both sides ruled and printed alike	8.85	8.75	8.60	.50
Deduct if ruled and printed, 1 side only....	10.85	11.85	13.65	2.75

11x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	38.65	$ 46.10	$ 59.50	$ 26.30
Grade 30-32 Sub.....	39.20	47.10	61.55	28.25
Grade 60-36 Sub.....	43.45	55.40	77.95	44.15
Deduct if both sides ruled and printed alike	6.85	6.75	6.00	.25
Deduct if ruled and printed, 1 side only....	8.10	8.85	10.35	2.80

11x17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	46.70	$ 55.00	$ 70.75	$ 25.90
Grade 30-32 Sub.....	47.30	56.15	73.10	31.80
Grade 60-36 Sub.....	51.90	65.50	91.80	50.50
Deduct if both sides ruled and printed alike	9.40	9.30	9.15	.50
Deduct if ruled and printed, 1 side only....	11.40	12.40	14.15	3.05

11¼x24½ TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	62.00	$ 73.30	$ 94.40	$ 38.65
Grade 30-32 Sub.....	62.95	75.05	97.90	42.10
Grade 60-36 Sub.....	69.95	89.15	126.00	70.20
Deduct if both sides ruled and printed alike	12.65	12.50	12.30	.50

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Deduct if ruled and printed, 1 side only....	14.90	16.15	18.20	3.05

12x9½ TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	31.60	$ 37.70	$ 48.65	$ 19.55
Grade 30-32 Sub.....	31.90	38.40	50.10	21.00
Grade 60-36 Sub.....	34.60	44.15	61.55	32.45
Deduct if both sides ruled and printed alike	5.35	5.25	5.15	.25
Deduct if ruled and printed, 1 side only....	7.85	8.60	10.10	2.55

12x19 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	52.25	$ 62.10	$ 80.05	$ 33.25
Grade 30-32 Sub.....	53.00	63.50	82.85	36.05
Grade 60-36 Sub.....	58.75	74.95	105.80	59.00
Deduct if both sides ruled and printed alike	10.90	10.75	10.50	.25
Deduct if ruled and printed, 1 side only....	13.40	14.40	16.40	2.80

12x23 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	61.20	$ 72.50	$ 93.30	$ 38.30
Grade 30-32 Sub.....	62.15	74.30	96.85	41.80
Grade 60-36 Sub.....	69.20	81.15	124.70	69.65
Deduct if both sides ruled and printed alike	12.45	12.30	12.10	.50
Deduct if ruled and printed, 1 side only....	14.40	15.65	17.70	3.05

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12x28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	78.95	$ 94.55	$121.75	$ 50.50
Grade 30-32 Sub.....	80.00	96.65	126.00	54.90
Grade 60-36 Sub.....	88.70	114.05	160.85	89.65
Deduct if both sides ruled and printed alike	19.25	19.10	18.90	.50
Deduct if ruled and printed, 1 side only....	20.10	21.20	24.00	4.75

14x17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	51.35	$ 61.00	$ 79.00	$ 33.35
Grade 30-32 Sub.....	52.00	62.40	81.90	36.35
Grade 60-36 Sub.....	58.10	74.35	105.95	60.05
Deduct if both sides ruled and printed alike	10.65	10.50	10.30	.25
Deduct if ruled and printed, 1 side only....	12.20	13.40	15.40	2.80

14x22 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	64.55	$ 76.80	$ 99.95	$ 44.76
Grade 30-32 Sub.....	65.70	78.80	104.05	48.85
Grade 60-36 Sub.....	73.75	95.05	136.30	81.10
Deduct if both sides ruled and printed alike	15.00	14.90	14.70	.50
Deduct if ruled and printed, 1 side only....	16.20	17.75	20.00	3.75

14x34 TOTAL OF 20 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	93.10	$109.90	$141.95	$ 62.35

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Grade 30-32 Sub.....	94.60	112.85	147.85	68.15
Grade 60-36 Sub.....	106.60	136.55	195.30	115.70
Deduct if both sides ruled and printed alike	22.25	22.10	21.90	.50
Deduct if ruled and printed, 1 side only....	23.75	25.25	28.00	4.80

17x11 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	42.70	$ 50.40	$ 66.05	$ 29.10
Grade 30-32 Sub.....	43.40	51.90	68.40	31.45
Grade 60-36 Sub.....	48.00	61.20	87.10	50.15
Deduct if both sides ruled and printed alike	8.90	8.80	8.65	.25
Deduct if ruled and printed, 1 side only....	10.35	11.35	13.15	2.75

17x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	48.25	$ 57.80	$ 75.40	$ 33.05
Grade 30-32 Sub.....	48.90	59.20	78.30	36.05
Grade 60-36 Sub.....	54.90	70.70	102.35	59.75
Deduct if both sides ruled and printed alike	10.40	10.25	10.05	.25
Deduct if ruled and printed, 1 side only....	11.40	12.40	14.40	2.80

17x22 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	68.25	$ 81.50	$106.85	$ 49.15
Grade 30-32 Sub.....	69.40	83.90	111.55	53.80
Grade 60-36 Sub.....	78.80	102.60	149.00	91.25

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Deduct if both sides ruled and printed alike	15.70	15.60	15.45	.50
Deduct if ruled and printed, 1 side only	17.70	19.20	21.50	3.75

17x28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 85.00	$103.20	$135.70	$ 61.80
Grade 30-32 Sub	86.35	106.15	141.60	67.60
Grade 60-36 Sub	98.35	129.85	189.05	115.15
Deduct if both sides ruled and printed alike	20.25	20.10	19.90	.50
Deduct if ruled and printed, 1 side only	21.75	23.25	26.00	4.80

17x46 TOTAL OF 28 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$134.90	$168.35	$224.50	$ 99.70
Grade 30-32 Sub	137.20	173.20	231.40	109.20
Grade 60-36 Sub	157.30	211.85	309.50	186.70
Deduct if both sides ruled and printed alike	33.95	33.60	33.20	.75
Deduct if ruled and printed, 1 side only	33.81	35.31	39.50	7.85

18x11½ TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 47.05	$ 56.40	$ 73.25	$ 31.20
Grade 30-32 Sub	47.75	57.70	75.85	33.80
Grade 60-36 Sub	56.65	68.10	96.60	54.50
Deduct if both sides ruled and printed alike	9.65	9.50	9.20	.25
Deduct if ruled and printed, 1 side only	11.65	12.90	14.40	2.80

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18x23 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 78.70	$ 95.70	$125.75	$ 56.40
Grade 30-32 Sub	79.90	98.30	131.05	61.60
Grade 60-36 Sub	90.35	119.05	172.55	103.20
Deduct if both sides ruled and printed alike	19.75	19.60	19.40	.50
Deduct if ruled and printed, 1 side only	20.75	22.25	25.00	4.80

18x46 TOTAL OF 32 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$141.90	$174.25	$230.50	$106.60
Grade 30-32 Sub	144.55	179.40	241.55	117.25
Grade 60-36 Sub	165.00	220.55	324.35	200.45
Deduct if both sides ruled and printed alike	39.75	39.60	39.65	1.00
Deduct if ruled and printed, 1 side only	38.90	40.65	46.15	8.95

19x12 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 49.15	$ 58.90	$ 78.80	$ 33.25
Grade 30-32 Sub	49.85	60.30	79.60	36.05
Grade 60-36 Sub	55.60	71.80	102.60	59.00
Deduct if both sides ruled and printed alike	9.90	9.75	9.45	.25
Deduct if ruled and printed, 1 side only	12.15	13.40	14.90	2.80

19x24 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub	$ 83.00	$100.90	$132.85	$ 60.10

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Grade 30-32 Sub.....	84.40	103.75	138.50	65.75
Grade 60-36 Sub.....	95.90	126.65	184.30	111.35
Deduct if both sides ruled and printed alike	20.00	19.85	19.65	.50
Deduct if ruled and printed, 1 side only....	21.25	22.75	25.50	4.80

20x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	57.35	$ 68.65	$ 90.10	$ 40.00
Grade 30-32 Sub.....	58.20	70.40	93.60	44.45
Grade 60-36 Sub.....	65.05	84.50	121.70	72.55
Deduct if both sides ruled and printed alike	13.45	13.35	13.20	.25
Deduct if ruled and printed, 1 side only....	13.65	14.15	16.40	3.80

20x28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 70 Cents Each

	250	500	1000	Addl. 1000
Grade 30-28 Sub.....$	95.70	$114.25	$150.55	$ 69.85
Grade 30-32 Sub.....	97.45	117.80	157.85	76.80
Grade 60-36 Sub.....	111.55	145.85	213.70	132.95
Deduct if both sides ruled and printed alike	21.75	21.60	21.40	.50
Deduct if ruled and printed, 1 side only....	22.75	24.25	27.00	4.80''

Bound books.

''Section 13. **Bound Books.** Bound books, ruled, printed and paged on 36 Sub. No. 1, 100% rag ledger. Patent back, flat opening. Complete, including lettering back or side title.

The first dimension listed is the binding margin. When greater or intermediate lengths of sheets are furnished with a binding size as listed, the difference between two given lengths is added or substracted in the correct proportion to either of the given lengths to cover

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the length of sheet actually furnished. When an intermediate binding size is furnished, the next larger binding size shall be used.

SIZE 10½x16—7 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 63.50	$ 68.20	$ 73.10	$ 75.35	$ 80.30
¾ Russia, Printed Page	70.90	75.50	80.50	82.80	87.70
Full Russia, Printed Head	73.30	77.95	82.90	85.85	90.20
Full Russia, Printed Page	80.75	85.30	90.35	93.30	97.55

Add for Folio Printed Head $8.60
Add for Folio Printed Page $15.95
Add for each Printed Guide Line $1.50
Add for Index Ruled $6.80
Add for Index Through Book $2.60

SIZE 11½x18—8 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 69.20	$ 73.85	$ 78.95	$ 81.65	$ 86.30
¾ Russia, Printed Page	78.20	82.85	87.90	90.65	95.30
Full Russia, Printed Head	78.60	83.20	88.15	91.10	95.35
Full Russia, Printed Page	87.60	92.20	97.10	100.10	103.30

Add for Folio Printed Head $9.00
Add for Folio Printed Page $17.95
Add for each Printed Guide Line $1.50

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Add for Index Ruled $6.80
Add for Index Through Book $2.75

SIZE 12x19 OR 14x17—8 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 71.05	$ 75.85	$ 80.90	$ 83.65	$ 88.30
¾ Russia, Printed Page	81.20	86.00	91.00	93.80	98.45
Full Russia, Printed Head	80.60	85.45	90.50	93.55	97.90
Full Russia, Printed Page	90.70	95.50	100.60	103.70	108.00

Add for Folio Printed Head $9.35
Add for Folio Printed Page $19.50
Add for each Printed Guide Line $1.50
Add for Index Ruled $6.80
Add for Index Through Book $2.75

SIZE 14x8½—5 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 58.20	$ 62.75	$ 68.05	$ 70.55	$ 75.10
¾ Russia, Printed Page	68.75	73.25	78.55	81.10	85.50
Full Russia, Printed Head	65.80	70.25	75.50	78.25	82.45
Full Russia, Printed Page	78.40	80.80	86.05	88.80	93.50

Add for Folio Printed Head $6.60
Add for Folio Printed Page $17.50
Add for each Printed Guide Line $1.50
Add for Index Ruled $6.80
Add for Index Through Book $2.60

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SIZE 14x20—8 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 74.35	$ 79.30	$ 85.10	$ 87.60	$ 93.00
¾ Russia, Printed Page	86.05	91.00	96.80	99.30	104.70
Full Russia, Printed Head	85.50	90.35	95.95	99.05	103.55
Full Russia, Printed Page	97.10	102.00	107.65	110.65	115.30

Add for Folio Printed Head $9.70
Add for Folio Printed Page $21.50
Add for each Printed Guide Line $1.50
Add for Index Ruled $7.20
Add for Index Through Book $2.75

SIZE 16x10½—5 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 64.70	$ 70.70	$ 77.45	$ 80.40	$ 83.20
¾ Russia, Printed Page	76.45	82.45	89.20	92.20	98.15
Full Russia, Printed Head	74.40	80.35	87.05	91.10	95.95
Full Russia, Printed Page	86.10	92.05	98.75	102.85	107.65

Add for Folio Printed Head $8.15
Add for Folio Printed Page $19.90
Add for each Printed Guide Line $1.50
Add for Index Ruled $7.20
Add for Index Through Book $2.75

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SIZE 16x21—8 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 87.00	$ 94.80	$103.30	$107.30	$115.80
¾ Russia, Printed Page	101.05	108.85	117.35	121.30	129.85
Full Russia, Printed Head	100.45	108.20	116.70	122.90	129.00
Full Russia, Printed Page	114.50	122.20	130.70	136.90	143.05

Add for Folio Printed Head $10.15
Add for Folio Printed Page $24.20
Add for each Printed Guide Line $1.50
Add for Index Ruled $7.55
Add for Index Through Book $2.90

SIZE 17x14 OR 19x12—6 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 70.75	$ 76.80	$ 83.70	$ 86.75	$ 93.60
¾ Russia, Printed Page	84.80	90.85	97.75	100.80	107.65
Full Russia, Printed Head	80.15	86.25	93.10	98.15	103.00
Full Russia, Printed Page	94.20	95.25	107.15	112.20	117.05

Add for Folio Printed Head $9.00
Add for Folio Printed Page $23.15
Add for each Printed Guide Line $1.50
Add for Index Ruled $7.20
Add for Index Through Book $2.75

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SIZE 17x28—10 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$104.15	$112.55	$121.75	$126.00	$132.10
¾ Russia, Printed Page	121.30	129.70	138.90	143.15	152.30
Full Russia, Printed Head	118.85	127.10	136.50	143.20	149.95
Full Russia, Printed Page	136.00	144.50	153.65	160.40	167.10

Add for Folio Printed Head $10.90
Add for Folio Printed Page $28.10
Add for each Printed Guide Line $1.50
Add for Index Ruled $7.55
Add for Index Through Book $3.10

SIZE 18x11½—5 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 69.35	$ 75.40	$ 82.30	$ 84.95	$ 96.10
¾ Russia, Printed Page	83.00	89.10	95.70	98.60	105.80
Full Russia, Printed Head	78.55	84.55	91.25	96.10	100.90
Full Russia, Printed Page	92.25	98.20	104.90	109.75	114.60

Add for Folio Printed Head $8.60
Add for Folio Printed Page $22.20
Add for each Printed Guide Line $1.50
Add for Index Ruled $7.20
Add for Index Through Book $2.60

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SIZE 18x23—8 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 94.20	$102.20	$110.95	$114.90	$123.60
¾ Russia, Printed Page	110.75	118.75	127.45	131.40	140.15
Full Russia, Printed Head	109.10	117.00	125.75	132.05	138.30
Full Russia, Printed Page	126.60	133.55	142.25	148.55	154.80

Add for Folio Printed Head $10.55
Add for Folio Printed Page $26.90
Add for each Printed Guide Line $1.50
Add for Index Ruled $7.55
Add for Index Through Book $3.00

SIZE 19x24—8 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 97.90	$105.95	$114.80	$118.75	$127.40
¾ Russia, Printed Page	115.40	123.50	132.30	136.75	125.00
Full Russia, Printed Head	112.70	120.85	131.20	136.60	142.45
Full Russia, Printed Page	130.25	138.35	147.20	153.60	159.95

Add for Folio Printed Head $11.30
Add for Folio Printed Page $28.85
Add for each Printed Guide Line $1.50
Add for Index Ruled $7.55
Add for Index Through Book $3.10

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SIZE 21x16—7 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 83.40	$ 91.00	$ 99.50	$103.25	$111.70
¾ Russia, Printed Page	100.15	107.80	116.20	120.05	128.45
Full Russia, Printed Head	96.80	104.30	112.50	118.55	124.55
Full Russia, Printed Page	113.50	121.10	129.35	135.35	141.35

Add for Folio Printed Head $9.70
Add for Folio Printed Page $26.50
Add for each Printed Guide Line $1.50
Add for Index Ruled $8.00
Add for Index Through Book $3.10

SIZE 28x17—7 UNIT COLUMNS TO PAGE
Extra Unit Columns 70 Cents Each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	$ 95.40	$103.30	$112.50	$115.60	$124.20
¾ Russia, Printed Page	118.80	126.70	135.90	139.00	147.60
Full Russia, Printed Head	110.15	118.20	127.30	130.90	139.85
Full Russia, Printed Page	133.55	141.60	150.70	154.30	163.25

Add for Folio Printed Head $10.15
Add for Folio Printed Page $33.60
Add for each Printed Guide Line $1.50
Add for Index Ruled $8.35
Add for Index Through Book $3.10

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Record books only.

"Section 14. **Size 18 x 11½ Record Books Only.**
Loose Leaf Style With Binder.

No. Pages	560	640
Marginal Record Ruled Stock Form Grade 60, 36 Sub. Full Russia Stock Ruled Not Printed	$ 55.80	$ 59.30
Full Russia Printed Head	62.40	66.10
Full Russia Printed Page	79.80	79.20
Add for Folio Printed Head $3.75		
Add for Folio Printed Page $22.20		
Add for A-Z Index $6.25		
Loose Leaf Record Binders only, Full Russia, Letter with Back Title, 7 or 8 Quire Capacity, each		$ 39.95

County and school warrants.

"Section 15. **County and School Warrants.**

	500	1000	Addl. 1000
Warrants with stub, size 4x14" on Grade 40 Bond or Safety Paper, single numbered, bound in cardboard covers, or punched for binder	$ 26.25	$ 31.75	$ 10.50
School warrants in Triplicate, size 4x9¾", Grade 40, 16 Sub. on original and Grade 20, 16 Sub. duplicate, triplicate. Duplicate and triplicate printed in black and red ink; original black only. Original and duplicate perforated. Bound 50 sets to book	21.50	28.90	13.50
County Warrants in duplicate or fold-over style, three or more on a sheet, punched for loose leaf binder, perforated, numbered, gathered. Grade 40 Bond or Safety Paper	29.50	44.25	27.50"

Election supplies and ballots.

"Section 16. **Election Supplies and Ballots.**

Tally books for primary or general election, each	$ 1.25
Tally books for judicial condidates, primary elections, each	.50
Poll books *for* primary or general election, each	1.25

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Envelopes for poll books, 10x15 inches, each			.35
Envelopes for tally sheets, 10x15 inches, each			.35
Envelopes for voted ballots, 15x18 inches, each			.60
Envelopes for unused ballots, 15x18 inches, each			.60
Envelopes for return of election books, 17x22 inches, each			.60
Envelopes for precinct registers, 17x22 inches, each			.60
Envelopes for election returns, 9½x4⅛ inches, each			.15
Envelopes for absent voter send out or return, 6½x9½ or 6x9 inches	200		14.40
	Additional 100		4.00
Envelopes for absent voter return ballots to judges of election, 10x15 inches, each			.35
Absent voter record sheets, size 11x21, fold-over	100		9.50
	Additional 100		7.50
Official seals 6½x5 inches, printed on gummed paper	250		4.50
	500		6.50
Certificates of election, with stub, size 11x17, check bound	50		9.00
	100		12.75
	1000		Addl. 1000
Precinct register sheets, 8½x14, special ruled and printed both sides, punched Grade 30, 20 Sub. Bond Paper		$ 45.00	$ 16.75
Precinct register sheets, 14x17, special ruled and printed, both sides, punched, Grade 30, 20 Sub. Bond Paper		63.25	19.75
Covers for precinct register, 8½x14, 125 Tagboard, front and back cover printed and punched, per 30 sets, or less			8.50
Each additional 10 sets			1.50
Covers for precinct register, 14x17, 125 Tagboard, front and back cover printed and punched, per 30 sets, or less			10.50
Each additional 10 sets			1.90

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	Instructions to Voters, 14x22 on 100-lb. Tag-board	100	22.50
		Additional 100	6.00
	List of electors 8¢ per name. This price includes printing up to 100 copies of each precinct list on Grade 30, 20-lb. Bond Paper.		

BALLOTS.

		1000	Addl. 1000
Ballots.	Ballots, primary election, complete, including numbering, perforating, assembling, rotating and stitching per party	$ 54.00	$ 39.50
	Ballots for judicial candidates, complete, including numbering, perforating and rotating	18.00	10.75
	Ballots, initiative and referendum, constitutional amendment, complete, including perforating	12.50	7.20
	Ballots, general election, complete, including numbering, perforating and rotating	78.00	39.50
	Where constitutional amendments, initiative or referendum measures appear on general election ballot, add	9.50	3.00

Stock forms without county name.

"Section 17. **Stock Forms Without County Name.**

Budget form CB-2 — per 100		$ 6.50
Budget form CB-3 — per 100		6.50
Budget form CB-4 — per 100		6.70
Budget form CB-5 — per 100		7.75
Budget form CB-6 — per 100		7.75
Budget form CB-7 — per 100		18.00
Justice docket, size 320 page, each		24.50
Report of justice fees received, size 14x17, ruled and printed one side, per 100		7.50
Teachers' registers, six-week, each		.75
District school budget applications, form 1	100	5.00
	Additional 100	4.00
High school budget application sheets	100	6.00
	Additional 100	5.00

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District school budget record sheets, ruled and printed one side, size 13¾x21¾		100	6.00
	Additional	100	5.00
School census reports	per	250	6.00
	per	500	10.00
Teachers' contracts	per	50	4.00
	per	100	5.50
Trustees' annual reports	per	50	6.00
	per	100	10.00
Teachers' reports	per	250	7.00
	per	500	10.75
Superintendent's or principal's reports	per	100	5.00
	Additional	100	4.50''

"Section 18. That for the purpose of defining the meaning of the word 'substance' used in connection with paper stock mentioned herein, it is understood that all substance weights are to be computed on the basic size 17x22 inches; conforming to the uniform scale of sizes and weights as used by paper manufacturers. The words 'grade number' relate to price per pound of paper in ream lots." "Substance" defined.

"Section 19. Bids may be made either on the entire Act, or bids may be made under each Section. If each Section is bid upon separately the Section must be bid upon in its entirety and not upon individual items in such Section. Bids.

All other blank books and printing not covered herein shall be furnished at prices not in excess of the prices for such work as set forth in the current Franklin Printing Catalog list." Other blank books and and printing.

"Section 20. The contract shall be let to the newspaper that in the judgment of the county commissioners shall be most suitable for performing said work, provided, that the county commissioners, shall require of any contractor to do such county printing, a good and sufficient undertaking in such sum as said commissioners may deem advisable, signed by at least two (2) sufficient sureties, conditioned to the effect that said contractor will faithfully perform all of the conditions of said contract in accordance with this Act and the terms of such contract; provided, that nothing in this Act shall be construed so Contract to newspaper most suitable. Bond required.

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Unsatisfactory work.

as to compel the acceptance of unsatisfactory work; also provided, however, that this requirement shall not affect any contract made prior to the passage of this Act. Such contract for printing shall extend for a period of not more than two (2) years. All newspapers which may receive any contract for printing under this Act and which may not be able to execute any part of such contract shall be required to sublet such contract or portion of contract to some newspaper or printing establishment within the state, which shall do the work under the contract so sublet entirely within the state with Montana labor."

Subletting.

Prices include what.

"Section 21. All prices set forth herein include paper stock specified, all printing, and work complete and delivered at the courthouse."

Act not applicable to printing for county fairs.

"Section 22. None of the provisions of this Act shall apply to any printing or advertising that may be required in connection with the holding of county fairs and expositions."

Penalty.

"Section 23. That any violation of this Act shall be deemed a misdemeanor and punished as such."

Repealing clause.

Section 2. That all other Acts and parts of Acts in conflict herewith are hereby repealed.

Effective date.

Section 3. That this Act shall be in full force and effect from, and after, the date of its passage and approval.

Approved February 28, 1951.

CHAPTER 139

An Act to Amend Section 24-142, Revised Codes of Montana, 1947, Relating to Regulation of Electrical Construction By Rural Electrification Associations, By Providing an Exception to the Provisions of the National Electrical Safety Code.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 24-142, Rev. Codes, 1947.

Section 1. That Section 24-142 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"Section 24-142. **Regulation of Electrical Construction By Rural Electrification Associations.** From and after the passage of this act all electrical construction conducted, and to be operated by any Rural Electrification Association and constructed, and to be operated in pursuance of the authority of the rural electrification administration of the federal government, within the State of Montana shall be in conformity with the rules and regulations set forth in the national electrical safety code approved by the American engineering standards committee as published by the department of commerce of the United States and any and all revisions thereof as the same may exist from time to time; *provided, however, that where Y-connected circuits with neutral conductors effectively grounded throughout their length are used, minimum vertical clearance of wires or neutral conductors over ground or rails shall be determined by the voltage between wires and ground, if such voltage does not exceed fifteen thousand (15,000) volts.*"

Regulation of electrical construction by rural electrification associations.

Proviso.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1951.

CHAPTER 140

Assent to Act of Congress Known As Dingell-Johnson Bill: Authorizing State Fish and Game Department to Cooperate With the Secretary of the Interior in Fish Restoration and Management Projects.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The congress of the United States having passed an act which was approved on August 9, 1950, and which is known as Public Law 681-81st Congress, Chapter 658-Second Session, wherein it is, among other things, provided that "no money apportioned under this act to any state, except as hereinafter provided, shall be expended therein until its legislature, or other state agency authorized by the state constitution to make laws governing the

Public Law 681— 81st Congress, Chapter 658, Second Session.

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conservation of fish, shall have assented to the provisions of this act and shall have passed laws for the conservation of fish, which shall include prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said fish and game department, except that, until the final adjournment of the first regular session of the legislature held after passage of this act, the assent of the governor of the state shall be sufficient", and since the moneys referred to in the act of congress are collected in part from the fishermen of this state and will not be returned to the State of Montana except the State of Montana do assent to this act, now, therefore, the State of Montana do assent to the provisions of said act of congress, which is commonly known as the Dingell-Johnson bill, but such assent is with the express reservations in this act enumerated. The State of Montana does not by the passage of this act nor by the consent herein given, surrender to the congress of the United States or any department of the government of the United States, any of those rights which are retained by the people of the State of Montana or the State of Montana and which are guaranteed to them by the ninth and tenth amendments to the constitution of the United States, nor shall this act in any manner or at all be construed or held to be the State of Montana's, consent to amending the constitution of the United States in any manner or at all relative to its rights. The title to all lands acquired under the provisions of this act for fish restoration and management projects and projects constructed thereon shall be and remain in the State of Montana.

Assent of State of Montana to said Act of Congress.

Section 2. The Montana fish and game commission is hereby authorized to perform such acts as may be necessary to the establishment and conduct of fish restoration and management projects as defined and authorized by the said act of congress, provided every project initiated under the provisions of the act shall be under the supervision of the Montana state fish and game commission, and no laws, rules or regulations shall be passed, made, or established, relating to said fish restoration and management projects, except they be in conformity with the laws of the State of Montana or rules promulgated by the Montana fish and game commission and the title to all lands acquired or projects created from lands purchased or ac-

Authority of Fish and Game Commission.

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quired by deed or gift shall vest in, be there remain in the State of Montana and shall be operated and maintained by it in accordance with the laws of the State of Montana. The Montana fish and game commission shall have no power to accept benefits unless the fish restoration and management projects created or established shall wholly and permanently belong to the State of Montana, except as hereinafter provided.

Cooperative agreements on federally owned lands.

Section 3. The Montana fish and game commission in the name of the state and with the approval of the governor shall have the power to enter into cooperative agreements on federally-owned lands with the government of the United States or any department or bureau thereof, or with an individual or individuals, private corporations or partnerships for the purpose of carrying on any fish restoration projects created and established under the provisions of this act and shall have the power to acquire by purchase either by cash or upon installments or lease or by gift or by devise or individually or in conjunction with the government of the United States or some department or bureau thereof, such lands or other property of interest therein as may be necessary for the purpose of carrying on any fish restoration and management projects created and established under the provisions of said Dingell-Johnson bill of the congress of the United States, and the State of Montana does reserve to itself, acting through its legislature, the right to direct the Montana fish and game commission to abandon any fish restoration and management projects created and established as the State of Montana may in its judgment think proper, provided, said commission shall have no power to exercise the right of eminent domain to condemn or acquire property under this act.

Reservation.

Approved February 28, 1951.

CHAPTER 141

An Act to Amend Section 31-117, Revised Codes of Montana, 1947, Relating to the Creation of a Drivers' Examination Section of the Montana Highway Patrol, Providing for the Selection of the Chief Examiner, An Assistant Chief Examiner and Examiners.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 31-117, Rev. Codes, 1947.

Section 1. That Section 31-117 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Drivers' examination section of highway patrol.

"Section 31-117. **Drivers' Examination Section of Highway Patrol.** There is hereby created a drivers' examination section of the Montana highway patrol, under the direct control and supervision of the Montana highway patrol board. Said board shall maintain a permanent place of business at the state capitol and shall meet at least once each month for the purpose of transacting business either as the drivers' examining board, the highway patrol board, or jointly for the two. The board shall select a chief examiner, *an assistant chief examiner,* and as many examiners as it deems necessary and shall provide for the necessary clerical help.

Assistant chief examiner.

Qualifications of examiners.

The chief examiner, *assistant chief examiner,* and all examiners shall have the same qualifications as are required for members of the Montana highway patrol. The chief examiner shall rank as an assistant supervisor, *the assistant chief examiner shall rank as a sergeant,* and the examiners shall rank as patrolmen."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 142

An Act to Amend Section 26-205 of the Revised Codes of Montana, 1947, As Amended By Chapter 32 Laws of 1949, Relating to the Fees and Powers Under Licenses, Classes of Licenses, Tagging of Carcasses; Providing Rules for Determining Residence for the Purpose of Issuing Resident Hunting and Fishing Licenses, Provisions for Issuing Resident Hunting and Fishing Licenses to Members of the Armed Forces, and Providing That a Holder of a Class B-2 License Shall Be Entitled to Fish As Well As Take Big Game Thereon and to

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Provide for the Issuance of One Shipping Permit With Such License, and Providing Penalty for the Violation of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 26-205 Rev. Codes, 1947, as amended.

Section 1. That Section 26-205 of the Revised Codes of Montana as amended by Chapter 32 Laws of 1949, be, and the same is hereby amended to read as follows:

"Section 26-205. (3685) **Fees and Powers Under Licenses — Tagging of Carcasses.** Any resident citizen of the State of Montana shall pay to the officer or person countersigning and issuing the license the sum of three dollars ($3.00) as a license fee, and shall obtain a license of class A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game birds and to fish with hook and line or rod in hand as authorized by this act.

Class A license and fee.

Said resident citizen who is the holder of a class A license shall pay to the officer or person countersigning and issuing the license the sum of two dollars ($2.00) and shall obtain a license of class AA, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals of this state *which may hereinafter be* authorized by the fish and game commission.

Class AA license and fee.

Any citizen of the United States who has continuously resided in this state at least six (6) months immediately preceding his application for a hunting or a fishing license shall be eligible to purchase resident hunting or fishing license.

Persons eligible to purchase license.

Officers, soldiers and sailors of the United States army, navy, air forces, marine or coast guard, who are assigned to duty in Montana, and after a period of thirty (30) days of residence within Montana upon presenting assignment orders emanating from the proper unit commander, shall be considered residents for the purpose of this act. The thirty (30) day resident requirement is waived in time of war.

Persons in military service.

In determining the place of residence for the purpose of issuing hunting and fishing licenses, the following rules are to be observed:

Place of residence, rules for determining.

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1. The state in which a person last registered for voting and in which he is entitled to vote shall be deemed his place of residence.

2. The place where a man's family resides is presumed his place of residence.

3. A person must not be considered to have gained a residence in this state into which he comes for a temporary purpose and from which he returns to his fixed place of habitation.

4. A person must not be held to have lost his residence by reason of prolonged absence while employed in any service of the United States or of this state.

5. Any person in possession of first citizenship papers only, shall not be considered a resident citizen of the State of Montana.

6. That place must be considered and held to be the residence of a person in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning, except that if a person removes to another state with the intention of remaining for an indefinite time as a place of residence, he loses his residence in this state notwithstanding he entertains an intention of returning at some future time.

Class B, B-1 and B-2 licenses and fees.

Said applicant, if a non-resident of the state or a resident citizen for less than six (6) months immediately preceding his application for a license shall pay to the officer countersigning and issuing the license the sum of ten dollars ($10.00) as a license fee, and shall obtain a class B license, which shall entitle the holder to fish with hook and line or rod in hand, as authorized by this act; and such non-resident, on like application and on the payment of the sum of twenty-five dollars ($25.00) as a license fee, shall obtain a class B-1 license, which shall entitle him to pursue, hunt, shoot, kill, capture, and take game birds as authorized by this act; and such non-resident, on like application and on the payment of the sum of one hundred dollars ($100.00) as a license fee, shall obtain a license of class B-2, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals *as may hereinafter be authorized by the fish and game commission and to fish with hook and line or rod in hand as authorized by*

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this act; and in addition there shall be attached to such class B-2 license a permit which will authorize the holder thereof to ship out of the state one shipment of fish and game.

To every license, whether issued to a resident or non-resident, which authorizes the licensee to kill elk, deer, moose or antelope in this state, there shall be attached to said license certain tags, coupons or other markers, the form of which shall be prescribed by the state fish and game commission, and when any person shall take or kill any deer, elk, moose, or antelope under such license such person shall immediately thereafter detach from his license, and attach in plain sight to the carcass of said animal or animals the proper tag, coupon or other marker, completely filled out with the name of the license holder, address, date the animal was killed, the place the animal was killed, and any other information requested, which tag, coupon or other marker shall be kept attached thereto so long as any considerable portion of the carcass remains unconsumed. Such tag, coupon or other marker shall be valid only when attached to said license or when such tag, coupon or other marker has been completely filled out and attached to a legally taken game animal and when the proper tag, coupon or other marker is attached to the said game so killed, the same may be possessed, used, stored and transported; provided the necessary permit to transport the same accompanies the shipment. Whenever any person who shall kill any deer, elk, moose or antelope by authority of any license issued for the killing of such game animal, shall fail or neglect to fill out and attach the tag, coupon or other marker so provided with the license issued, to the carcass of said deer, elk, moose or antelope, or portions thereof, said person shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in *Section 26-324,* of the Revised Codes of Montana, *1947.*

Licensee to attach tags to carcasses of deer, elk, moose, and antelope.

Penalty.

The applicant for a class D or trapper's license, must be in possession of a class A license, and upon the payment of ten dollars ($10.00), shall receive and obtain a class D license, or trapper's license, which shall authorize the holder thereof to trap fur-bearing animals within the state at such times and in such manner as may be lawful so to do under the laws of this state and the regulations

Class D license and fee.

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of the fish and game commission, and at such places as may be designated in said license."

Approved February 28, 1951.

CHAPTER 143

An Act to Amend the Following Sections of the Revised Codes of Montana, 1947, Section 90-101, Section 90-125, Section 90-126, Section 90-136, Section 90-137, Section 90-147, Relating to Standards of Weights and Measures, Duties of the State Sealer of Weights and Measures and Acts Forbidden, Penalty for Using False Weights; Providing That the State Sealer of Weights and Measures Is Authorized to Make and Promulgate Rules and Regulations; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 90-101, Rev. Codes, 1947.

Section 1. That Section 90-101 (4212), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

What are standards.

"Section 90-101. (4212) **What Are Standards.** The weights and measures accepted and used by the bureau of standards of the United States, except as hereinafter provided, are the lawful standard weights and measures of the state. The state sealer of weights and measures may establish tolerances *and* specifications for commercial weighing and measuring apparatus similar to the tolerances and specifications recommended by such bureau of standards. Any person violating such standards, tolerances, or specifications shall be guilty of a misdemeanor."

Amendment of Sec. 90-125, Rev. Codes, 1947.

Section 2. That Section 90-125 (4238), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Duty as to visitation and inspection.

"Section 90-125. (4238) **Duty As to Visitation and Inspection — Certificate — Acts Forbidden.** Said state sealer of weights and measures, or his deputies, shall visit the various counties, cities and towns in the state, and in the performance of his duties, he, or his deputies, shall inspect weights, measures, *scales and weighing devices* which are used for buying or selling goods, wares, mer-

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chandise, or other commodities, and for public weighing, and shall test or calibrate weights and measures, weighing devices or apparatus used as test standards in the state. He, or his deputies, shall, at least once a year, test all scales, weights and measures used in checking the receipts or disbursements of supplies of every state institution, and shall report in writing his findings to the executive officer of the institution concerned. The state sealer of weights and measures shall prepare a certificate of suitable size which shall be issued to the owner or person in charge after inspection, and a proper seal to be attached or affixed to all *scales and weighing devices,* measures or measuring devices so tested. Said certificates and seals shall bear the signature of the state sealer of weights and measures, or shall be signed by a deputy sealer of weights and measures. Such certificates shall be numbered in consecutive order, and shall show the date of issuance. It shall be unlawful for any person to deface, mutilate, obscure, conceal, efface, cancel or remove any seal, stamp or mark provided for by this act, or cause or permit the same to be done without the written consent of the state sealer of weights *and measures or his deputies.''*

Certificate to be attached to weighing and measuring devices.

Section 3. That Section 90-126 (4240), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 90-126, Rev. Codes, 1947.

''Section 90-126. (4240) **Penalty for Using False Weights — Seals.** From and after the passage and approval of this act it shall be unlawful for any person or persons, firm, or co-partnership, corporation, or association of persons engaged in the trade of buying or selling, purchasing or disposing of, or dealing in any merchandise or commodities to any person, or persons in the State of Montana, to sell or purchase by weight or by measure, without first having had the weights and measures, scales or measuring devices used by them, or in their possession, for the purpose of determining the amount or quantity of any article or articles of merchandise, tested and a seal *of approval* attached thereto by the state sealer of weights and measures, or by his deputies. Such seal shall be attached or placed in a conspicuous place upon such weighing or measuring device. Any person or persons making use of weighing devices subject to this act must report to the sealer of weights and measures or his deputies, in writing,

Penalty for using weights or measures without having seal of approval attached.

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the number and location of said weighing device and must promptly report the installation of any new weighing device. Any person or persons using any weight or measure, or scale or other measuring device after the passage and approval of this act, or annually thereafter, which has not been tested as provided by this act, shall, upon conviction thereof, be deemed guilty of a misdemeanor."

Amendment of Sec. 90-136, Rev. Codes, 1947.

Section 4. That Section 90-136 (4250), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Probihition of use of weights and measures pending adjustment.

"Section 90-136. (4250) **Prohibition of Use of Weights Pending Adjustment.** If any weights, measures, scales or balances can be readily adjusted by such means as the sealer of weights and measures, or his deputies, may have at hand, he, or they may adjust and seal them, but if they cannot be readily adjusted he, or they, shall affix to such weights, measures, scales or balances a notice forbidding their use until he, or they are satisfied they have been so adjusted as to conform with the standard. It shall be unlawful for any person to remove such notice, without the written consent of the *state sealer of weights and measures or his deputy.* And in case said notice is removed without such written consent, the owner, manager, proprietor, lessee or anyone in active control of the business in connection with which said weights, measures, scales or balances are used after such removal of said notice, shall be deemed guilty of a misdemeanor and shall be punished accordingly."

Amendment of Sec. 90-137, Rev. Codes, 1947.

Section 5. That Section 90-137 (4251), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Condemnation of weights and measures not standard.

"Section 90-137. (4251) **Condemnation of Weights** *and Measures* **Not Standard.** All weights, measures, and balances which cannot be made to conform to the standard weights, and measures as herein provided shall be stamped "condemned" or "C. D." by the state sealer of weights and measures, or his deputies, or the state sealer of weights and measures, or his deputies, may confiscate and seize, without warrant, any incorrect weight, measure, weighing or measuring device or part thereof which does not conform to the state standards or specifications, *or* which in his or their best judgment cannot be repaired. It shall be

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unlawful to offer or expose for sale, sell, use or possess a faulty scale, weight or measure, or any scale or measure used in buying or selling of any commodity or things and which has been rejected by the state sealer of weights and measures or his deputies. Scales commonly known as "family scales" or scales marked when sold "not legal in trade" shall not be deemed standard and shall be subject to such seizure. The state sealer of weights and measures, or his deputies, shall not be liable to the owner of the property for damages caused by such seizure. All persons owning coin weight scales shall place their name and address on the back of the scale. In all cases where inspection fees are not paid on coin weight scales, the same may be confiscated by the state sealer of weights and measures, or his deputies. *Heavy duty scales of the pitless type shall not be sold or installed in any stock yards or for any other public weighing; provided that this shall not apply to pitless scales used by the highway department for check-weighing."*

Amendment of Sec. 90-147, Rev. Codes, 1947.

Section 6. That Section 90-147 (4261), Revsied Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State sealer authorized to make rules and regulations.

"Section 90-147. (4261) **State Sealer to Promulgate Rules.** The state sealer of weights and measures is hereby authorized to make *and promulgate* such rules and regulations in conformity with this act as may be proper and necessary to carry out the provisions of this act in a uniform manner. Such rules and regulations when adopted by the state sealer of weights and measures shall have the same force and effect as *if* provided for in this act."

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 144

An Act to Amend Section 4-403 of the Revised Codes of Montana, 1947, as Amended by Chapter 164, Laws of the Thirty-first Legislative Assembly, 1949, Relating to

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the Powers of the Montana Liquor Control Board in the Issuing of Liquor Licenses; Providing That Certain Limitations of Said Section Shall Not Apply to Licensees Who Conduct Seasonal Operations.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 4-403, Rev. Codes, 1947, as amended by Laws of 1949.

Section 1. That Section 4-403, Revised Codes of Montana, 1947, as amended by the Thirty-first Legislative Assembly, 1949, be, and the same is hereby further amended to read as follows:

Board to issue licenses for sale of liquor.

"Section 4-403. **Board to Issue Licenses for Sale of Liquor — Limit On Number of Licenses.** The Montana liquor control board is hereby empowered, authorized, and directed to issue licenses to qualified applicants to sell liquor at retail in accordance with the provisions of this act; the number of such licenses which the board may issue shall be determined by the last official United States census authorized by congress, to-wit: In towns of five hundred (500) inhabitants or less and within a distance of five (5) miles from the boundaries of said towns not more than two (2) retail liquor licenses; in cities or towns of more than five hundred (500) inhabitants and not over two thousand (2000) inhabitants and within a distance of five (5) miles from the corporate limits or boundaries of said cities and towns two (2) retail liquor licenses for the first five hundred (500) inhabitants and one (1) retail liquor license for each additional five hundred (500) inhabitants above the first five hundred (500); in cities over two thousand (2000) inhabitants and within a distance of five (5) miles thereof five (5) retail liquor licenses for the first two thousand (2000) inhabitants and one (1) retail liquor license for each additional one thousand (1000) inhabitants; the number of the inhabitants in said cities and towns not including the number of inhabitants residing in the said five (5) mile area shall govern for the issuing of licenses within the limits of said cities and towns and including the said five (5) mile area from the boundaries of said cities and towns; provided, however, that where there is a town within the five (5) mile area from a city, the populations shall be added together and the board shall determine the number of liquor licenses to be issued in said city and town, and the five (5) mile area from said city and town provided also that the num-

Limit on number of licenses.

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ber shall not exceed the above limitations; the said distance of five (5) miles from the corporate limits or boundaries of said cities and towns shall be measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; outside of said cities and towns and said five (5) mile area said board shall issue liquor licenses at its discretion and said board shall have full power and authority to approve or reject any application for such licenses; licenses already issued which are in excess of said limitations and which are of issue at the date of the passage and approval of this act, shall be renewable but no new licenses shall be issued until the number of licenses shall be reduced to within the above limitations; provided, however, that the foregoing limitations shall not prevent the granting of non-transferable and non-assignable licenses to posts of nationally chartered veterans' organizations, and lodges of recognized national fraternal organizations, which said national organizations have been in existence for five (5) years or more prior to January 1st, 1949; and provided further that from and after February 1st, 1949, if any license is not actually being used in a going retail establishment, or a post of a nationally chartered veterans' organization, or a lodge of a recognized national fraternal organization for the sale of liquor for a period of ninety (90) days, said license is automatically cancelled, and the holder thereof is entitled to no refund for the unused portion thereof, *except that licenses issued to licensees who conduct seasonal operations, such as dude ranches, resorts, park hotels, tourist facilities and similar businesses shall not be cancelled in the above manner. Except* for the above limitations the board shall have power to determine after an investigation whether or not the premises for which any license applied for is within certain defined zones in any incorporated city or town where the sale of liquor is prohibited by ordinance, provided said ordinance does not change the above limitations and provided also that a certified copy of said ordinance is on file with the board; or where said cities and towns do not have zoning ordinances whether or not the premises for which said license is applied for are off the regular police beats of said cities or towns and can be properly policed by local authorities; and whether or not the issuance of the license applied for outside of said cities and towns and said five (5) mile area would serve the

Existing licenses.

Licenses to certain organizations.

Exceptions.

Power of board in respect to ordinances of cities and towns.

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public convenience or necessity; upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail but only in accordance with the rules and regulations promulgated by the said board and the provisions of this act. Qualified applicants shall include persons, hotels, clubs, fraternal organizations and railway systems.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 145

An Act to Amend Section 11-2403 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 52 of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, and Section 11-2404 of the Revised Codes of Montana, 1947, Relating to City and Town Waterworks and Sewerage Systems and the Issuance of Revenue Bonds Therefor; Prescribing the Procedure for Elections Thereon; Providing for the Refunding of Such Bonds; and Authorizing the Making of Covenants for the Security Thereof, Relative to Charges for Water and Sewerage Services to the Municipality.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 11-2403, Rev. Codes, 1947, as amended.

Section 1. That Section 11-2403 of the Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 52 of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, be, and the same is hereby further amended to read as follows:

Additional powers of municipalities.

"Section 11-2403. **Additional Powers of Municipalities.** In addition to the powers which it may now have, any municipality shall have power under this act: (a) To construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any undertaking, within or without the municipality, or partially within or partially without the municipality, and to acquire by gift, purchase, or the exercise

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of the right of eminent domain, lands or rights in land or water rights in connection therewith, (b) to operate and maintain any undertaking and furnish the service, facilities and commodities thereof for its own use and for the use of public and private consumers within or without the territorial boundaries of such municipality, (c) to issue its bonds to finance in whole or in part the cost of the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking, *and/or to refund bonds issued for any of the foregoing purposes, whether issued under authority of this chapter or of any other applicable law,* (d) to prescribe and collect rates, fees, and charges for the services, facilities and commodities furnished by such undertaking, (e) to enter into cooperative agreements with and accept contributions from industrial establishments relative to the planning, construction, lease or other acquisition, maintenance and operation of undertakings, and to apply for and accept grants and loans or any other aid which the United States of America or any agency thereof may give or make to any political subdivision or agency of this state for undertakings, including all necessary actions preliminary thereto, the purpose of which is to aid in the prevention or abatement of water pollution, and to make contracts and execute instruments containing such terms, provisions and conditions as, in the discretion of the governing body of the municipality, may be necessary, proper or advisable for the purpose of obtaining such aid, (f) to enter into and perform contracts, whether long-term or short-term, with any industrial establishment for the provisions and operation by the municipality of sewerage facilities when the governing body of such municipality determines such action to be in the public interest and otherwise essential in order to abate or reduce the pollution of waters caused by discharges of industrial waste by such industrial establishment, and to provide for the periodical payment by said industrial establishment to the municipality of an amount at least sufficient, in the determination of such governing body, to compensate the municipality for the cost of providing (including the payment of principal and interest charges, if any) and of operating and maintaining the sewerage facilities serving such industrial establishment, and (g) to pledge to the punctual payment of said bonds issued under this act and interest thereon an amount of the revenues

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of such undertaking (including improvements, betterments, or extensions thereto thereafter constructed or acquired) or of any part of such undertaking, sufficient to pay said bonds, and interest as the same shall become due, and to create and maintain reasonable reserves therefor. Such amount may consist of all or any part or portion of such revenue. The governing body of the municipality in determining such cost, may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six (6) months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this act. Any two or more municipalities through their respective governing bodies are hereby authorized and empowered to enter into and perform such contracts and agreements as they may deem proper for or concerning the planning, construction, lease or other acquisition and the finance of undertakings, in whole or in part, and the maintenance and operation thereof. Any such municipalities so contracting with each other may also provide in any contract or agreement for a board, commission or such other body as their governing bodies may deem proper for the supervision and general management of the undertakings and for the operation thereof, and may prescribe its powers and duties and fix the compensation of the members thereof."

Section 2. That Section 11-2404 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Authorization of undertaking.

"Section 11-2404. **Authorization of Undertaking — Form and Contents of Bonds.** The acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this *(act) chapter,* and bonds may be authorized to be issued under this *(act) chapter* by resolution or resolutions of the governing body of the municipality, when authorized by a majority of the taxpayers voting *upon such question* at a special election noticed *and conducted* as provided in *(section 23-202) sections 11-2308 to 11-2310, inclusive,* and said special election shall be held not later than the next municipal election held after the council or governing body of the municipality has by resolution

Bonds, issuance of authorized.

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or resolutions approved the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking as in this act provided and ordered said special election; *provided, that the issuance of refunding revenue bonds may be authorized by resolution or resolutions of the governing body of the municipality without an election.*

Refunding revenue bonds.

Said bonds shall bear interest at such rate or rates not exceeding five (5) per centum per annum, payable semi-annually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, may be payable in such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolutions may provide. Said bonds shall be sold at not less than par. Said bonds may be sold at private sale to the United States of America or any agency, instrumentality or corporation thereof. Unless sold to the United States of America or agency, instrumentality or corporation thereof, said bonds shall be sold at public sale after notice of such sale published once at least five (5) days prior to such sale in a newspaper circulating in the municipality and in a financial newspaper published in the City of New York, New York, or the City of Chicago, Illinois, or the City of San Francisco, California. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this act. Said bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law."

Bonds, regulations concerning.

Interim receipts.

Approved February 28, 1951.

CHAPTER 146

An Act to Amend Section 11-2218 of the Revised Codes of Montana, 1947, Relating to City and Town Sewerage Systems and Sewage Treatment and Disposal Plants and the Issuance of Revenue Bonds Therefor; Pre-

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scribing the Procedure for Elections Thereon; Providing for the Refunding of Such Bonds; and Authorizing the Making of Covenants for the Security Thereof, Relative to Charges for Sewerage Services and Benefits to the Municipality.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 11-2218, Rev. Codes, 1947.

Section 1. That Section 11-2218 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

May issue revenue bonds.

"Section 11-2218. **May Issue Bonds — Sinking Fund — Rates for Service, Etc.** Any such municipality may issue and sell negotiable revenue bonds for the construction of any such system of sewers, sewage pumping stations or sewage treatment or disposal plant or plants for public use when authorized so to do by a majority vote of the qualified electors voting on the question at an election called by the city council or other governing body of the municipality for that purpose, *and noticed and conducted in accordance with the provisions of sections 11-2308 to 11-2310, inclusive;* which bonds shall be serial or amortization and shall bear interest at not more than five per cent (5%) per annum, payable semiannually, and all bonds shall mature within twenty (20) years from date of bonds, and may be registered with the city treasurer of said municipality. No bonds shall be sold for less than par, and each of said bonds shall state plainly on its face that it is payable only from a sinking fund, naming said fund and the ordinance and resolution creating it, and that it does not create an indebtedness within the meaning of any charter, statutory or constitutional limitation upon the incurring of indebtedness.

Prior to the issuance of said bonds the city council or other governing body of such municipality shall adopt an ordinance or resolution authorizing the issuance and sale of said bonds.

Sinking fund.

At the time of, or before the issuance and sale of any such bonds, the governing body must create a sinking fund for the payment of the bonds and the interest thereon and charges of the fiscal agency for making payment of the bonds and interest thereon.

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Pledge of net income.

That at, or before the issuance and sale of such bonds, the governing body shall, by resolution or ordinance, set aside a sinking fund and pledge to the payment of the bonds and the interest thereon the net income and revenues of the system, including all additions thereto and replacements and improvements thereof subsequently constructed or acquired, up to an amount sufficient to provide for the payment of the principal and the interest on the bonds as such principal and interest shall become due and payable, and a margin of safety, which together with *any* unused surplus of such margin carried forward from the previous year, shall equal twenty per cent (20%) of all other amounts so required to be paid into the sinking fund.

Income and revenues defined.

The said income and revenues above mentioned shall be construed to mean all the gross income from said plant less operating expenses and cost of material and supplies used in operation and less ten per cent (10%) to be set aside for replacements and depreciation of said plant.

Said payments above mentioned shall constitute a first and prior charge and lien on the entire net income and revenues derived from the operation of said system.

Refunding bonds.

Any such municipality, by ordinance or resolution adopted by its governing body, and without an election, may issue and sell negotiable revenue bonds to refund bonds previously issued for any of the foregoing purposes, whether issued under authority of this section or any other applicable law.''

Approved February 28, 1951.

CHAPTER 147

An Act Authorizing Orr Baker, Alice Lupton, Anna L. Trusler and Roy Smallwood, Their Heirs and Assigns, to Impound, Divert and Appropriate In and From the Baker Reservoir in the State of Montana, Annually 247 Acre Feet of the Waters of Ash Creek for the Irrigation of 235 Acres of Land in the State of Wyoming.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Orr Baker, Alice Lupton, Anna L. Trusler and Roy Smallwood of Sheridan, Wyoming, their

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Orr Baker and others granted right to appropriate, impound and divert waters of Ash Creek.

heirs and assigns, are hereby granted the right to appropriate 247 acre feet of the unappropriated annual flow of the water of Ash creek, a tributary of Tongue river, and impound the same in the Baker reservoir in the State of Montana, and therefrom divert the waters so impounded and appropriated for the irrigation of approximately 235 acres of land in the State of Wyoming, provided, (1) that the plans for said impounding and diversion are first approved by the state engineer of the State of Montana, and (2) that permission is granted for the construction and use of said reservoir by the owners of the lands upon which it is located.

Power of court, bureau or board.

That the court or courts, bureau or board having jurisdiction over the subject matters of this act are hereby empowered to adjudicate the water rights under said appropriation upon proper showing of beneficial use of such water accordingly as appropriated. The authorizations aforesaid are made to conform with, and accomplish a procedure in addition to that which is provided in sections 89-810, 89-829, and 89-846 Revised Codes of Montana, 1947.

Waters appropriated — how charged.

Section 2. That such waters as may be appropriated under this act shall be charged against such allocation as may be made to the State of Wyoming of the presently unappropriated waters of the Yellowstone river and its tributaries, to-wit, Tongue river and its tributaries, provided that any future appropriation of water in the watershed in the State of Montana for irrigation and domestic use shall have priority over water for use in said dam.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 148

An Act Creating a Water Conservation Bond Fund to Be Designated the "Water Conservation Bond Fund"; Providing What Moneys Said Fund Shall Consist of; Providing for the Purchase of Water Conservation Bonds of the State of Montana Out of Moneys in Said Fund; Providing Said Bonds Shall Be Held and Ad-

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ministered By the State Water Conservation Board for the Benefit of Said Fund; Providing for the Transfer of Moneys in Said Fund to the State General Fund and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of acquiring and administering the outstanding water conservation revenue bonds issued for seventeen major irrigation projects owned and constructed by the state water conservation board, there is hereby created a fund which shall hereinafter be designated "water conservation bond fund", which shall consist of all moneys that may be appropriated thereto by the legislative assembly from other funds in the state treasury; all sums received from the sale of water through water purchase contracts or otherwise from said seventeen irrigation projects, except those funds which are specifically collected for the operation and maintenance of said projects; and all other income or other benefits arising from, out of, or in connection with the ownership of said projects from whatever source derived.

Water Conservation Bond Fund created.

Section 2. From the moneys appropriated and credited to the "water conservation bond fund", there shall be paid upon vouchers approved by the state water conservation board and attested by its secretary, the amount of one million four hundred fifty thousand dollars ($1,450,000.00) or such lesser amount as is necessary to fully pay for the said bonds on the seventeen irrigation projects, said bonds to be held by the state water conservation board, and to be administered by the said state water conservation board for the benefit of said "water conservation bond fund". All sums as remain in said fund on June 30, 1952 and on each succeeding June 30, shall be transferred to the state general fund.

Payment for bonds from fund.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. The act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1951.

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CHAPTER 149

An Act Amending Section 77-412 Revised Codes of Montana, 1947, Prohibiting the Unauthorized Wearing of Badges or Other Insignia of Organizations, and Providing Penalty Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 77-412, Rev. Codes, 1947.

Section 1. That Section 77-412, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Use of insignia of military or secret orders, organizations by person not so entitled to do prohibited.

"77-412 (1410) **Use of Insignia of Military Or Secret Orders Prohibited.** Every person who shall wilfully wear the badge, button, insignia or rosette of any military order, or of any secret order or society, *or of any benevolent, religious, fraternal or veterans' organization,* or any similitude thereof, or who shall use any such badge, button, insignia or rosette to obtain aid or assistance, or any other benefit or advantage, unless he shall be entitled to so wear or use the same under the constitution, by-laws, rules and regulations of such order or society *or organization,* shall be guilty of a misdemeanor."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 150

An Act to Amend Section 87-145 of the Revised Codes of Montana, 1947, Relating to Penalties for Violation of the Unemployment Compensation Law of the State of Montana, By Providing for Prosecution of Persons Who Make False Statements or Representations in Order to Obtain or Increase Benefits or to Prevent or Reduce Payment of Benefits to Any Individual Entitled Thereto or to Avoid or Reduce Contributions or Other Payments Required From Employing Units Under Employment Security Laws of Sister States, or of the Federal Government, Making This Act Effective Upon Its Passage and Approval, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 87-145 of the Revised Codes of Montana, 1947, be, and the same is, hereby amended to read as follows:

Amendment of Sec. 87-145, Rev. Codes, 1947.

"87-145. **Penalties — Falsity or Wilful Nondisclosure — Violations by Employer or Agent — Violation of Act by Regulations — Wrongfully Collecting Benefits.**

False statement or failure to disclose fact — penalized.

(a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this act, *or under an employment security law of any other state, or territory or the federal government,* either for himself or for any other person, shall be punished by fine of not *less than $25.00 nor* more than $500.00, or by imprisonment for not longer than sixty days in the county jail or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Violations by employer or agent.

(b) Any employing unit or any officer or agent of any employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this act, *or under the employment security law of any other state, or territory or the federal government,* or who wilfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not *less than $25.00 nor* more than $500.00, or by imprisonment for not longer than sixty days in the county jail or by both such fine and imprisonment, and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense.

Violation of Act or regulations.

(c) Any person, who shall wilfully violate any provision of this act or any order, rule or regulation there-

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under, the violation of which is made unlawful or the observance of which is required under the terms of this act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine not *less than $25.00 nor* more than $500.00 or by imprisonment for not longer than sixty days in the county jail or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

Wrongfully receiving benefits.

(d) Any person who, by reason of the non-disclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such non-disclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this act while any conditions for the receipt of benefits imposed by this act were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commission, either be liable to have such sum deducted from any future benefits payable to him under this act or shall be liable to repay to the commission for the unemployment compensation fund, a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in this act for the collection of past due contributions.''

Separability of Act.

Section 2. If any clause, sentence, section, paragraph or part of this act shall for any reason, be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 151

An Act to Amend Section 16-2050 of the Revised Codes of Montana, 1947, Relating to the Investment of County Moneys.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 16-2050 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 16-2050,

"16-2050. (4639.1) **Investment of County Moneys in County Warrants.** Whenever the county has under its control any moneys, *for which there is no immediate demand,* in any special fund subject to deposit which in the judgment of the board of county commissioners it would be advantageous to invest in county warrants, the county commissioners are authorized in their discretion to direct the county treasurer to purchase county warrants of the same county, thereafter issued against funds in which there is not sufficient money to pay such county warrants at the time of issuance, and in case of such purchase the county commissioners shall designate the fund or funds, to be so invested, and shall fix the amount thereof, and shall also designate the county warrant or warrants which are to be purchased by such funds. The county clerk and recorder shall thereupon cause to be attached to, or stamped, written or printed upon the warrants so ordered to be purchased a notice to the effect that the county will exercise its preference right to purchase such warrant. The county treasurer shall thereafter when such county warrant is presented to him, purchase the same out of the proper fund as designated by the board of county commissioners, and the warrant so purchased shall be registered as other county warrants, and bear interest as provided by law. When the designated amounts have been invested the county treasurer shall notify the county clerk and recorder. *Public funds realized from the sale of bonds by a county for the purpose of constructing public buildings, or for other construction, may be invested in United States certificates of indebtedness, United States treasury notes or United States treasury bonds having a maturity date of one (1) year or less when emergency conditions, beyond the control of the county commissioners, exist which preclude the construction of the projects for which the bonds were issued at the time such investments are made."*

Investment of county moneys in county warrants.

Investment of proceeds of bonds in certain circumstances.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 28, 1951.

CHAPTER 152

An Act to Amend Section 1 of Chapter 131, Laws of the Thirty-first Legislative Assembly, 1949, Relating to Annual Vacation Leave for State, County and City Employees, Providing Who Shall Be Entitled to Vacation Leave and Compensation, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 131 of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, be, and the same is hereby amended to read as follows:

Vacation leave granted to employees of state, counties and cities.

"Section 1. Each employee of the state, or any county or city thereof, *who shall have been in continuous employment and service of the state, county or city thereof, for a period of one (1) year from the date of employment* is entitled to and shall be granted annual vacation leave with full pay at the rate of one and one-quarter (1¼) working days for each month of service."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 153

An Act to Amend Chapter 100 of the Session Laws of the Thirty-first Legislative Assembly, 1949, Relating to the Protection of Fish and Game; Providing for the Authority of the Fish and Game Commission to Prohibit the Use of Small Fish, Dead or Alive, in Certain Streams or Lakes in the State of Montana; Making It Unlawful for Any Person or Persons to Transplant or Introduce

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Any Species of Fish, Game Birds or Game Animals Without Authorization From the Fish and Game Commission; Providing That Said Fish and Game Commission Shall Have Power to Promulgate Regulations; Providing Penalties for Violation of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Chap. 100, Laws of 1949.

Section 1. That Chapter 100 of the Session Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is hereby amended to read as follows:

Restrictions on use of fish as bait.

"The state fish and game commission shall have authority to prohibit the use of small fish as bait for catching fish in such waters *as the commission shall designate. It shall have the power to promulgate such other regulations as are necessary to insure an adequate supply of fish in said waters, including the power to regulate fishing from boats or other floating devices and to regulate the use of fishing lures and/or baits in all waters of the state.*

Transplating or introduction of fish or game without authorization forbidden.

"It shall be unlawful for any person or persons to transplant or introduce any fish or fish eggs into any body of water in the state, *and* it shall be unlawful for any person or persons to transplant or introduce any species of game birds or game animals into the State of Montana without first having obtained authorization from the fish and game commission.

Penalty.

"Any person found guilty of a violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in Section *26-324, Revised Codes of Montana, 1947.*"

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 154

An Act to Provide for the Licensing and Regulation By the State Board of Health of Any Person, Persons, Partnership, Firm, or Corporation Engaged in the Business of Cleaning Cesspools, Septic Tanks, or Privies; Fixing

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the Fee for Such License; Providing for the Issuance of Permits By Health Officers of Cities, Towns, and Counties; Fixing the Fee for Such Permit; Authorizing Health Officers of Incorporated Cities, Towns or Counties Having Jurisdiction to Designate Disposal Places; and Providing Penalties for Violation of Any of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Declaration of public policy.

Section 1. This act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state. It is hereby found and declared that the public welfare requires control and regulation of the operators engaged in the business of cleaning cesspools, septic tanks or privies in order to prevent or eliminate unsanitary and unhealthful practices and conditions which endanger public health, social well-being and safety of the state and all its people. This act is intended to be supplemental to existing state, county and city health laws and nothing herein contained shall be construed to limit the application of or to repeal any such existing health laws.

Persons engaged in business of cleaning cesspools must hold a license.

Section 2. It is unlawful for any person, persons, partnership, firm, or corporation to engage in the business for hire of cleaning cesspools, septic tanks or privies unless he or it shall be the holder of an unrevoked license to engage in such business issued by the state board of health as hereinafter provided.

Application for license.

Section 3. Any person, persons, partnership, firm, or corporation in the business of cleaning cesspools, septic tanks, or privies, after the effective date of this act shall be required to make application to the state board of health for a license to engage in such business. All applications for licenses under this act shall be kept in the files of the state board of health. The application shall state the name in full, if a partnership the names of each of the partners; the place of business, and place of residence of the applicant for license and of each of the partners in the business, if a partnership. The application shall state the number of units and type of equipment to be operated by him or them under the provisions of this act. The application shall contain a statement that the applicant

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agrees to comply with the rules and regulations of the state board of health and with the provisions of this act. The application shall be signed by the individual, authorized officer of a corporation, if a corporation; or by the managing partner, if a partnership. Upon receipt of proper application and fee, the state board of health shall issue a license to the applicant as a "Montana sanitary licensee". Each license so issued shall be numbered consecutively beginning with number ten (10). The fee for such license shall be five dollars ($5.00) each calendar year or part thereof and renewable on January 1st of each year. Such license shall not be transferable to any person, persons, partnership, firm or corporation other than that to whom originally issued. Only a person who complies with the requirements of this act and the rules and regulations of the state board of health shall be entitled to receive and retain such a license. Such a license may be suspended or revoked by the state board of health for the violation by the holder of any of the rules and regulations of the state board of health or the provisions of this act.

"Montana sanitary licensee."

Fee.

Section 4. Any person, persons, partnership, firm or corporation licensed under this act shall be required to paint on the side of any vehicle which he or it uses in such business the words "Montana sanitary licensee" and immediately under these words he or it shall paint "license No....." and shall paint the number of his license in the space so provided with letters and numbers at least one and one-half (1½) inches high; and all lettering and numbering shall be in distinct color contrast with its background.

Licensee required to paint side of vehicle used in business in prescribed manner.

Section 5. From and after the effective date of this act every "Montana sanitary licensee" who desires to clean any cesspool, septic tank, or privy shall secure from the city, town or county or district health officer having jurisdiction, a permit for cleaning each such cesspool, septic tank or privy. A permit shall be issued only after a satisfactory examination by the health officer or his duly authorized representative covering the equipment to be used, the applicant's knowledge of sanitary principles and the laws and ordinances concerning nuisances or affecting human health; and the reliability of the applicant in observing sanitary laws, ordinances and direc-

Permit to clean any cesspool to be procured from health officer.

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tions, and in selecting laborers and employees who may clean out septic tanks, cesspools, and privies without endangering human health or safety and only after examination of the place or places and manner of disposal of the cleanings proposed by said applicant. The said permit shall contain the name of the applicant, the specific date of cleaning, the name and address of owner of the cesspool, septic tank, or privy, and the exact place and means of disposing of the waste. The fee for each such permit shall be one dollar ($1.00), and the issued permit is valid only for the specific time, place, and person, persons, firm or corporation specified in the permit.

Regulations.

Section 6. **Regulations.** The state board of health shall make all necessary rules and regulations for carrying out the provision of this act. The state board of health, or any authorized representative thereof, the district, county, city or town health officer issuing any permit shall be charged with the enforcement of the provisions of this act.

Penalty.

Section 7. Violation of any of the provisions of this act or of any order or orders of a health officer made pursuant to this act for the protection of human health and comfort shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars ($100.00) for each offense or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment. Any fines so collected shall be deposited in the general fund of the county in which action is brought. The license and permit provisions of this act shall not be construed to apply to any city, town or county who desires to clean septic tanks, cesspools or privies publicly owned or controlled by them. The said city, town or county shall be required to comply with the state board of health rules and regulations on the cleaning of cesspools, septic tanks or privies as provided for in this act.

Repealing clause.

Section 8. All laws or parts of laws in conflict with this act are hereby repealed.

Separability of Act.

Section 9. If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, nor invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section

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or part thereof directly involved in the controvery in which said judgment or decree shall have been rendered.

Section 10. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 28, 1951.

CHAPTER 155

An Act to Amend Section 3-801 (3593), Revised Codes of Montana, 1947, Relating to Definitions of Terms Used in Chapter 8, Title 3, Revised Codes of Montana, 1947, Entitled "Agricultural Seeds" By Defining the Term "Weed Seeds", and By Defining the Term "Noxious Weed Seeds", and Providing a Classification of Noxious Weed Seeds in Three Groups and Assigning Various Kinds and Species of Such Weeds to One or the Other of Such Groups; and to Amend Section 3-802 (3594) Relating to the Labeling of Agricultural Seeds, and to the Identity and Disclosure on Seed Labels of Informative Data Respecting Such Seeds, and Presenting the Approximate Permitted Number of Noxious Weed Seeds in Each of the Several Groups of Noxious Weed Seeds and the Disclosure of the Same By the Label Required to Accompany Such Seeds, and Requiring That All Labels Must Show Germination Tests to Have Been Made Not More Than Nine (9) Months Prior to Date of Sale; and Prohibiting the Sale of Noxious Weed Seeds in Excess of Permitted Maxima of Noxious Weed Seeds Per Pound of Agricultural Seeds, and of Any Agricultural Seed in Excess of a Prescribed Maxima Percentage of Weed Seeds; and Delegating to the Commissioner of Agriculture and the Director of the Montana Experiment Station, Jointly, the Power to Revise or Modify, After Public Hearing, the Groups and Classifications of Noxious Weed Seeds; and to Amend Section 3-805 (3597) Relating to "Stop Sale" Orders When Seed Does Not Conform to the Requirements of the Act; and to Amend Section 3-807 (3599), Revised Codes of Montana, 1947, As Amended By Chapter 85 of the Laws of the Thirty-first Legislative Assembly, 1949, Relating to Submitting Samples for Analyses and/or Test; and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3-801 (3593), Revised Codes of Montana, 1947, shall be, and the same is, hereby amended to read as follows:

Definitions.

"Section 3-801 (3593) **Definitions.** Terms used in this act and not otherwise identified, are hereby defined:

"Agricultural seeds."

1. The term 'agricultural seeds' or 'agricultural seed' shall include the seeds of the legumes, such as alfalfa, clovers, sweet clover, field and canning peas, field beans, vetches, and soy beans; the grasses, such as the blue grasses, timothy, redtop, brome grasses, canary grass, fescues, oat grass, orchard grass, rye grasses, and wheat grasses; the cereals, such as wheat, oats, barley, rye, corn, and hybrid corn; and miscellaneous crops such as rape, buckwheat, millet, sorghums, mustard, flax; together with seeds of any other crops that may be raised as field crops in Montana, when such are sold, offered, or exposed for sale within this state, country or territory, for seeding purposes within this state.

"Weed seeds."

2. (a) The term 'weed seeds' shall include the seeds or bulblets of all plants generally recognized as weeds within this state, and shall include noxious weed seeds.

Noxious weed seeds.

(b) Noxious weed seeds are hereby divided into three groups, defined in paragraphs (1), (2) and (3) of this subsection, as follows:

(1) Group I 'noxious weed seeds' are the seeds of perennial weeds such as not only reproduce by seed, but also spread by underground roots or stems, and which, when established, are highly destructive and difficult to control in this state by ordinary good cultural practice. Group I, 'noxious weed seeds' are the seeds of,

Canada Thistle	*(Cirsium arvense)*
	(Carduus arvensis)
Leafy Spurge	*(Euphorbia esula)*
White Top	*(Lepidium (Cardaris) draba)*
(Perennial peppergrass	*(Cararia) repens)*
(Hoary cress)	*(Hymneophysa (Cardaria) pubescens)*
Quack Grass	*(Agropyron repens)*
Russian Knapweed	*(Centaurea picris)*
	(Centaurea repens)

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Perennial Sow Thistle	*(Sonchus arvensis)*
Wild Morning Glory (Field Bindweed)	*(Convolvulus arvensis)*

(2) Group II, 'noxious weed seeds' are the seeds of such weeds as are very objectionable in fields, lawns, or gardens of the State of Montana, but which can be controlled by good cultural practice. Group II, 'noxious weed seeds' of the State of Montana are the seeds of,

Dodder	*(Cuscuta Spp.)*
Blue Flowering Lettuce	*(Lactuca pulchella)*
St. Johnswort (Klamath-weed)	*(Hypericum perforatum)*
White horsenettle (Silver Leaf nightshade)	*(Solanum elaeagnifolium)*
Wild Onion (Wild Garlic)	*(Allium vineale)*
Ox-eye Daisy	*(Chrysanthemum leucanthemum)*

(3) Group III, 'noxious weed seeds' are the seeds of such weeds as are a menace to agriculture but are less serious than those included in group II of this classification. Group III, 'noxious weed seeds' are the seeds of,

Buckhorn	*(Plantago Lanceolata)*
Wild Mustard	*(Brassica Supp.)*
Fan Weed (French Weed)	*(Thlaspi Anvense)*
Sheep Sorrell	*(Rumex Acetosella)*
Curled Dock	*(Rumex Crispus)*
Wild Oats	*(Avena fatua)*

"Approximate percentage." "Approximate number."

3. The terms 'approximate percentage' and 'approximate number' shall mean the percentage or number with the variations above or below as allowed according to the tolerance limits defined in the 'rules for seed testing' adopted by the Association of Official Seed Analysts of North America.

"Percentage of germination."

4. The term 'percentage of germination' shall mean the percentage of seeds which show normal sprouts as evidence of vitality when such seeds are subjected to the proper moisture and temperature conditions with proper aeration for the customary length of time for each specific kind of such seed, as specified in the 'rules for seed test-

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ing' adopted by the Association of Official Seed Analysts of North America.

"Name of state in which such seed was grown."

5. The term 'name of state in which such seed was grown' shall mean any of the several states of the United States or the foreign country.

"Other crop seeds."

6. The term 'other crop seeds' shall mean any agricultural seeds other than the seed or the mixture of agricultural seeds under consideration.

"Sell."

7. The term 'sell' shall include 'offer for sale', 'expose for sale', 'have in possession for sale', 'exchange', 'barter', or 'trade'. It shall also include agricultural seeds which are furnished to growers for the production of a crop on contract.''

Section 2. Section 3-802 (3594), Revised Codes of Montana, 1947, shall be, and the same is, hereby amended to read as follows:

Labeling of agricultural seed.

''Section 3-802 (3594) **Labeling of Agricultural Seed.** The owner, vendor, or person in possession of each and every package, parcel, or lot of agricultural seeds, as defined in the preceding section, which contains one (1) pound, or more, of such agricultural seeds, whether in package or in bulk, shall before offering such seeds for sale affix thereto, in a conspicuous place on the exterior of the container of such argicultural seeds, a written or printed label in the English language in legible type or copy, such label containing a statement specifying:

Contents of label.

1. A lot number or other distinguishing mark; the commonly accepted name of the kind or kinds of such agricultural seed, together with the variety name, and if such is not known, the fact must be so stated by using the word 'unknown'.

1a. Name of state, country or territory, in which such agricultural seed was grown.

2. The approximate percentage of germination of such agricultural seed, together with the date of test of germination. In all cases where hard seeds remain at the end of the germination test, the percentage of actual germination and the percentage of hard seeds shall be stated separately; with the provision that any portion or all of the percentage

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of such hard seeds may be added to the percentage of germination, and stated as 'total live seed'.

3. The approximate percentage, by weight, of *pure seed;* meaning the freedom of such agricultural seeds from inert matter and from other seeds.

4. The approximate percentage, by weight, of sand, dirt, broken seeds, sticks, chaff, and other inert matter combined in such agricultural seeds.

5. The approximate total percentage by weight of weed seeds.

5a. The approximate percentage by weight of other crop seeds in such agricultural seeds.

6. The name, and the approximate number, per pound *of agricultural seed, of each kind or species of noxious weed seeds specified in groups I, II and III, section 3-801, subparagraphs (1), (2) and (3) of paragraph 2 thereof, as follows:*

Group I, noxious weed seeds, the name or names of each of the noxious weed seeds present, and the number thereof, singly or collectively, per pound of agricultural seed, in numbers less than one (1) noxious weed-seed in fifty (50) grams of agricultural seed. If such numbers of group I noxious weed seeds exceed one (1) in fifty (50) grams of seed, such seed shall not be sold within the State of Montana.

Group II, noxious weed seeds, the name or names of each of the noxious weed seeds present, and the number thereof, singly or collectively, per pound of seed, in excess of one (1) noxious weed seed in fifty (50) grams of agricultural seed.

Group III, noxious weed seeds, the name or names of each of the noxious weed seeds present, and the number thereof, singly or collectively, per pound of seed, in excess of one (1) noxious weed seed in ten (10) grams of agricultural seed.

7. The full name and address of the seedsman, importer, dealer or agent or of other persons or person, firm or corporation selling, offering, or exposing the said agricultural seed for sale.

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Mixture of agricultural seeds.

8. Mixtures of agricultural seeds which contain two (2) or more kinds of such seeds in excess of five percent (5%) by weight of each, when sold, offered, or exposed for sale as mixtures, shall have affixed thereto, in a conspicuous place on the exterior of the container of such mixtures of seeds, a plainly written or printed tag or label in the English language, stating:

(a) Name of mixture.

(b) The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five percent (5%) by weight of the total mixture.

(bb) Approximate percentage by weight of broken seeds and other inert matter in such mixture of agricultural seeds.

(c) Approximate percentage by weight of weed seeds as defined in subdivision *2* of section 3-801.

(cc) Approximate percentage by weight of other crop seed in such mixture of agricultural seeds.

(d) The name and approximate number per pound of each kind of the seeds or bulblets of the noxious weeds listed in subdivision 2, of section 3-801, which are present, singly or collectively, in excess of *nine (9) seeds or bulblets per pound.*

(e) Approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five percent (5%) by weight, together with the month and year said seed was tested. In all cases where hard seeds remain at the end of the germination test, the percentage of actual germination and the percentage of hard seeds shall be stated, separately; with the provision that any portion or all of such hard seed may be added to the percentage of germination and stated as 'total live seed'.

(f) Full name and address of the vendor of such mixture.

(g) When space is provided on labels appearing on seed, providing for the insertion of specific items relative thereto and such spaces are left open, the blank space or spaces shall be deemed to imply that the word 'none' was intended, when such interpretation is reasonable.

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9. *The commissioner of agriculture of the State of Montana* shall prescribe the form *and outline text of all labels* to be used as provided for in section 3-802.''

Prohibition of sales of certain seeds.

10. **Prohibition of Sales of Certain Seeds.** *It shall be unlawful for any person, firm, co-partnership, corporation or association to sell, or to offer for sale, or to expose or display for sale, any agricultural seed within the State of Montana, irrespective of the place of origin of such seed, which contains noxious weed seeds of any one, or more, of said groups of noxious weed seeds, as follows:*

(1) Group I, noxious weed seeds in excess of nine (9) such seeds per pound of agricultural seed; or,

(2) Group II, noxious weed seeds in excess of nine (9) such seeds per pound of agricultural seeds, unless stated on the analysis tag or label; or

(3) Group III, noxious weed seeds in excess of forty-five (45) such seeds per pound of agricultural seed unless stated on the analysis tag or label; or

(4) Any agricultural seed containing in excess of two per centum (2%) or more of weed seed; or

(5) Any agricultural seed which has a gemination test dated more than nine (9) calendar months prior to date of sale.

Commissioner may modify groups and classifications.

11. **Commissioner's Right to Revise or Amend.** *The commissioner of agriculture may, with the written approval of the director of the Montana experiment station recorded prior to or within ten (10) days after the public hearing, prescribed herein, add to or remove from, revise, or modify the foregoing groups and classifications of noxious weed seeds, and the noxious weed seeds within any groups or classifications, as the circumstances may require in aid of the purpose of this act to prevent or diminish the distribution and occurrence of such noxious weed seeds within the State of Montana, but no additions, removals or modifications shall be made without a full public hearing, on adequate and informative written or published notice plainly stating the exact additions, removals or modifications proposed to be made, and said notice shall be given by the commissioner at least thirty (30) days before the day set for said hearing and shall state the time and place of said*

Hearing.

Notice.

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hearing, and said notice shall be published in three (3) newspapers of general circulation in the state, and such notice shall be mailed to all associations of seed dealers in the state who are organized on a state-wide basis. If any revision or modification is determined to be made as a result of any such hearing, the same shall be promulgated by a written order of the commissioner, countersigned 'approved' by the director of the Montana experiment station, plainly stating the revisions or modifications and the effective date or dates thereof, and any and all qualifications, exceptions or conditions connected with such revisions or modifications."

Amendment of Sec. 3-805, Rev. Codes, 1947.

Section 3. Section 3-805 (3597), Revised Codes of Montana, 1947, shall be, and the same is, hereby amended to read as follows:

Inspection by director of state grain and seed laboratory.

"Section 3-805 (3597) **Inspection by Director of State Grain and Seed Laboratory — Reports — Enforcement.** The director of the Montana grain inspection laboratory, of the Montana agricultural experiment station, his agent, or agents, shall inspect, examine, or make analyses of and test seeds sold, offered or exposed for sale in the state at such time and place and to such an extent as he and the commissioner of agriculture may determine. Such director shall report to the commissioner of agriculture all violations as they appear. He shall also annually and not later than September first, make a report to the commissioner of agriculture of all tests made and the results thereof, which report may be published by the commissioner of agriculture, separately, or along with any other annual or biennial report of the department. Such director, his agent or agents, and the commissioner of agriculture and his authorized representatives shall have free access at all reasonable hours to all premises or structures to make examination of any seeds, or any other premises of any warehouse, elevator, or railway company, and upon tendering payment thereof, at the current value, may take any sample or samples of such seeds.

Powers and duty of commissioner.

It is hereby made the duty of the commissioner of agriculture of the department of agriculture to administer and enforce this act. For that purpose, he is hereby empowered to make all proper rules and regulations not inconsistent with this act or any federal laws now in effect or which

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may hereafter be enacted. *To aid in the enforcement, he or his agents shall have power to issue and enforce a written or printed 'stop-sale' order to the owner or custodian of any lot of agricultural seed which the commissioner of agriculture or his agent finds in violation of any of the provisions of this act, which order shall prohibit further sale of such seed until such officer has evidence that the law has been complied with. The seed shall not be confiscated nor destroyed and upon proper correction, by reprocessing, labeling or otherwise, and when in the judgment of the commissioner of agriculture, the requirements of this act have been met, the stop sale order shall be lifted and the seed be permitted to be sold in the regular channels of trade.* The director of the Montana grain inspection laboratory of the Montana agricultural experiment station shall formulate all necessary and proper rules and regulations relating to all his duties enumerated herein."

Amendment of Sec. 3-807, Rev. Codes, 1947, as amended.

Section 4. Section 3-807 (3599), Revised Codes of Montana, 1947, as amended by Chapter 85 of the Laws of the Thirty-first Legislative Assembly, 1949, shall be, and the same is, hereby amended to read as follows:

Samples may be sent to the laboratory for testing.

"Section 3-807 (3599) **Samples May Be Sent to the Laboratory for Testing.** Any citizen of the State of Montana *may request the Montana grain inspection laboratory of the Montana experiment station to examine, analyze and test samples of seed upon payment of the fee thereof and compliance with the regulations promulgated by the director of the state grain inspection laboratory governing the submission of seed samples for such service.* Samples of seed analyzed and tested, shall be charged for at *rates determined jointly by the commissioner of agriculture, the director of the Montana agricultural experiment station, and the director of the Montana grain inspection laboratory.* All such fees are hereby appropriated for the use and *benefit* of the Montana grain inspection laboratory of the Montana agricultural experiment station to defray the expenses incurred by said laboratory, under the provisions of this act."

Saving clause.

Section 5. **Saving Clause.** If any section, subsection, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

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Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after July 1, 1951.

Approved February 28, 1951.

CHAPTER 156

An Act to Amend Section 71-302, Revised Codes of Montana, 1947, Relating to Eligibility Requirements for General Relief; Section 71-503, Revised Codes of Montana, 1947, Relating to Administration of Aid to Dependent Children, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 71-302, Rev. Codes, 1947.

Section 1. That Section 71-302, Revised Codes of Montana, 1947, be amended to read as follows:

Eligibility requirements for general relief.

"71-302. **Eligibility Requirements for General Relief.** An applicant to be eligible for general relief must have resided in the State of Montana for *at least one (1) year immediately prior to the date of receipt of this assistance. Any person otherwise qualified who has resided in a county for one (1) year shall thereby acquire residence in that county, which residence shall be retained until residence is acquired in another county by residing there for one (1) year. If a person has resided in the state for one (1) year but does not have county residence, he shall make application for this assistance in the county in which he is residing, which county shall bear the cost of his assistance until he has acquired a county residence.* If a person is absent from the state voluntarily he shall thereby be ineligible for general relief in the State of Montana."

Amendment of Sec. 71-503, Rev. Codes, 1947.

Section 2. That Section 71-503, Revised Codes of Montana, 1947, be amended to read as follows:

Administration.

"71-503. **Administration.** (a) The state department of public welfare is hereby authorized and is charged with the general administration and supervision of aid to dependent children under the powers, duties and functions as prescribed in section 71-201 to 71-232.

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"(b) The county department of public welfare shall be charged with the local administration and supervision of aid to dependent children, subject to the powers, duties and functions prescribed for the county department in sections 71-201 to 71-232. Local administration.

"(c) It is hereby mandatory and required that the state plan and operation of aid to dependent children shall be in effect in each and every county of the state and the administration and supervision of aid to dependent children shall be uniform throughout the several counties of the state. Aid to dependent children, state plan and operation mandatory.

"(d) The state department of public welfare shall have printed and distribute copies of this act to all county welfare departments and shall prescribe the form of and print and supply to the county welfare department blanks of applications, reports and such other forms as may be necessary in relation to aid to dependent children. Blank forms, printing and supplying of.

"(e) All rules and regulations of the state department of public welfare made under this act shall be binding upon the county departments of public welfare. The state board of public welfare shall make such rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this *part*. Rules and regulations of state department of public welfare.

"(f) The state department shall cooperate with the federal government in matters of mutual concern pertaining to assistance to dependent children, including the adoption of such methods of administration as are found by the federal government to be necessary for the efficient operation of the plan for such assistance. Cooperation with federal government.

"(g) The state department shall make such reports in such form and containing such information as the federal government may from time to time require, and comply with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of such reports. Reports required by federal government.

"(h) The state department shall publish an annual report and such interim reports as may be necessary or required. Annual report.

"(i) The county department of public welfare shall administer the provisions of this part in the respective Administration by county department.

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counties subject to the rules and regulations prescribed by the state department pursuant to the provisions of this *part.*

Desserted and abandoned children.

"(j) The county department of public welfare shall give prompt notice to appropriate law enforcement officials of the furnishing of aid to dependent children to a child who has been deserted or abandoned by a parent."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 157

An Act to Amend Section 71-601, Revised Codes of Montana, 1947, Relating to Definitions for Aid to Needy Blind; Section 71-602, Revised Codes of Montana, 1947, Relating to Administration; Section 71-604, Revised Codes of Montana, 1947, Relating to Eligibility for Aid to Needy Blind; Section 71-607, Revised Codes of Montana, 1947, Relating to Investigation of Applications; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 71-601, Rev. Codes, 1947.

Section 1. That Section 71-601, Revised Codes of Montana, 1947, be amended to read as follows:

Definitions.

"71-601. **Definitions — As Used in This Title.**

"Aid to blind."

"(a) 'Aid to blind' (or assistance) means money payments to blind persons in need.

"Supplementary services."

"(b) 'Supplementary services' means services other than money payments.

"Ophthalmologist."

"(c) 'Ophthalmologist' means a physician licensed to practice medicine in the State of Montana and who is actively engaged in the treatment of diseases of the human eye.

"Optometrist."

"(d) 'Optometrist' means a practitioner licensed to practice optometry in the State of Montana and who is actively engaged in such practice."

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Section 2. That Section 71-602, Revised Codes of Montana, 1947, be amended to read as follows:

Amendment of Sec. 71-602, Rev. Codes, 1947.

"71-602. **Administration.**

Administration.

"(a) The state department of public welfare is hereby authorized and is charged with the general administration and supervision of aid to blind under the powers, duties and functions as prescribed in section 71-201 to 71-232.

Local administration.

"(b) The county department of public welfare shall be charged with the local administration and supervision of aid to blind, subject to the powers, duties and functions prescribed for the county department in section 71-201 to 71-232.

Aid to blind, state plan and operation mandatory.

"(c) It is hereby mandatory and required that the state plan and operation of aid to the blind shall be in effect in each and every county of the state and the administration and supervision of aid to the blind shall be uniform throughout the several counties of the state.

Blank forms, printing and supplying of.

"(d) The state department of public welfare shall have printed and distribute copies of this act to all county welfare departments and shall prescribe the form of and print and supply to the county welfare departments blanks of applications, reports and such other forms as may be necessary in relation to aid to the blind.

Rules and regulations of state department of public welfare.

"(e) All rules and regulations of the state department of public welfare made under this act shall be binding upon the county departments of public welfare. The state board of public welfare shall make such rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this part.

Cooperation with federal government.

"(f) The state department shall cooperate with the federal government in matters of mutual concern pertaining to assistance to the blind, including the adoption of such methods of administration as are found by the federal government to be necessary for the efficient operation of the plan for such assistance.

Reports required by federal government.

"(g) The state department shall make such reports in such forms and containing such information as the federal government may from time to time require, and comply with such provisions as the federal government may from time to time find necessary to assure the corrections and verification of such reports.

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Annual report.

"(h) The state department shall publish an annual report and such interim reports as may be necessary or required.

Administration by county department.

"(i) The county department of public welfare shall administer the provisions of this part in the respective counties subject to the rules and regulations prescribed by the state department pursuant to the provisions of this part.

"(j) The state department shall designate the procedure to be followed in securing a competent medical examination for the purpose of determining blindness in the individual applicant for assistance.

Rules and regulations by state. department.

"(k) The state department shall promulgate rules and regulations stating, in terms of ophthalmic measurements, the amount of visual acuity which an applicant may have and still be eligible for assistance under this part.

Designation of ophthalmologists and optometrists to examine applicants for aid.

"(l) The state department shall designate a suitable number of ophthalmologists, duly licensed to practice medicine in Montana and actively engaged in the treatment of diseases of the human eye, to examine applicants and recipients of assistance to the blind. *The state department shall designate a suitable number of optometrists, duly licensed to practice optometry in Montana and actively engaged in such practice, to examine applicants and recipients of assistance to the blind.*

Fees for examinations.

"(m) The state department shall fix and pay to ophthalmologists fees for examinations of applicants *and recipients. The state department shall fix and pay to optometrists fees for examinations of applicants and recipients.*"

Amendment of Sec. 71-604, Rev. Codes, 1947.

Section 3. That Section 71-604, Revised Codes of Montana, 1947, be amended to read as follows:

Eligibility for aid to the needy blind.

"71-604. **Eligibility for Aid to the Needy Blind.** Aid shall be granted under this part to any person who:

"(a) Has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who has been examined and so certified by a fully licensed ophthalmologist *or by a fully licensed optometrist.*

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"(b) Has income which is inadequate to provide a reasonable subsistence compatible with decency and health *except that in determining need, the department may disregard earned income, as is provided in the federal social security act.*"

Amendment of Sec. 71-607, Rev. Codes, 1947.

Section 4. That Section 71-607, Revised Codes of Montana, 1947, be amended to read as follows:

Investigation of applicant.

"71-607. **Investigation of Applications.** Whenever *the* county department receives an application for *aid to needy blind,* an investigation shall be promptly made. *The investigation of each application for aid to needy blind shall be conducted by the county board through a staff worker of the county department. Each applicant shall be informed of his right to a fair hearing and of the confidential nature of information secured with regard to his circumstances. Each applicant shall be informed of his right to choose an ophthalmologist or optometrist to determine whether he qualifies from the standpoint of visual acuity and that to determine if treatment is necessary, he must have an examination by an ophthalmologist. Upon completion of such investigation, the county welfare department shall determine whether the applicant is eligible for and should receive a grant and the amount of the assistance. The county public welfare board shall review any determination made by the staff of the county department. Aid shall be furnished promptly to all eligible persons. Each applicant shall receive written notice of the decision.*"

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after July 1, 1952.

Approved February 28, 1951.

CHAPTER 158

An Act to Amend Section 3-301, Revised Codes of Montana, 1947, Under Chapter 3, Title 3, Revised Codes of Montana, 1947, Relating to Public Warehousemen of Agricultural Seeds and to Buyers of Uncleaned Agricultural Seed, Providing for Citation of This Act and

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Defining Certain Terms Therein; and to Amend Section 3-302, Revised Codes of Montana, 1947, Under Said Chapter and Title Relating to and Presenting the Licensing of the Business of Agricultural Seed Warehousemen and of Buyers of Uncleaned Agricultural Seed, and Presenting License Fee, and Annual Indemnity Bond and Additional Bond, and Prescribing Licensing Procedures, and Exempting Bona Fide Growers of Agricultural Seeds From Licensing; and to Amend Section 3-306, Revised Codes of Montana, 1947, Under Said Chapter and Title, Relating to the Powers of the Commissioner of Agriculture of the State of Montana Under This Act, and Investing Such Commissioner With Power to Prescribe Rules and Regulations, to Make Inspections, to Take Samples of Agricultural Seeds, to Require Reports From Licensees and to Prescribe Forms Therefor, Including Forms of Warehouse Receipts, in Aid of the Administration of This Act and Its Application and Enforcement, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3-301, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Citation of Act.

"Section 3-301. *Citation of Act — Definitions. This act and the act amended hereby may be referred to and cited as the 'act regulating public warehouses for, and buyers* Definitions. *of agricultural seeds.' In this act, the terms and expressions hereinafter listed shall be given the meaning assigned to them, as follows:*

"Agent," "Broker," "Commission man."

"(a) 'Agent', 'broker' and 'commission man' shall be held to mean and include any person, firm, co-partnership or association who engages in the business of negotiating sales or contracts for agricultural seeds or of making sales or purchases of agricultural seeds for a commission;

"Agricultural."

"(b) 'Agricultural seeds' shall mean and include the seeds of red clover, white clover, alsike, alfalfa, Kentucky blue grass, timothy, brome grass, orchard grass, redtop, meadow fescue, oatgrass, ryegrass and other grasses and

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forage plants, corn, rape, buckwheat, beans, peas and registered or certified seed grains in bags;

"(c) 'Commissioner' shall mean the commissioner of agriculture of the State of Montana; "Commissioner."

"(d) 'Public warehouse', 'public warehouse for agricultural seeds' or 'public agricultural seed warehouse' shall mean and include any warehouse or structure in which 'agricultural seed' is received from the public for storage, assembling or cleaning; "Public warehouse."

"(e) 'Seed buyer' shall be held to mean and include any person, firm, copartnership, corporation or association engaged in the business of buying uncleaned agricultural seed for shipment, cleaning, processing or for resale and who does not own, control or operate a public agricultural seed warehouse; "Seed buyer."

"(f) 'Warehouseman' shall be held to mean and include any person, firm, copartnership, corporation or association owning, controlling or operating a public agricultural seed warehouse." "Warehouseman."

Section 2. That Section 3-302, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows: Amendment of Sec. 3-302, Rev. Codes, 1497.

"Section 3-302. *Every person, firm, copartnership, corporation or association engaging in the business of agricultural seed warehouseman or holding out to the public as receiving agricultural seeds for storage, or operating any warehouse wherein is received agricultural seeds for storage, at request of members of the public, and every seed buyer, agent, broker or commission man, or buyers on commission, engaging in the merchandising of uncleaned agricultural seed in the State of Montana, shall, on or before the first day of July of each year pay to the treasurer of the State of Montana a license fee in the sum of fifteen dollars ($15.00) for each and every warehouse or other place of business where agricultural seed is received for purchase, storage or shipment and shall also, on or before such date, file with the commissioner of agriculture a good and sufficient bond to the State of Montana in such sum and in such form as the commissioner may require conditioned upon the faithful performance of the acts and duties enjoined upon any such person, firm, copartnership,* Seed warehousemen, seed buyers, duty of to pay license fee.

Amount of fee.

Bond.

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corporation or association by law. The commissioner may from time to time require additional bond when in his judgment the volume of business of the licensee so requires, under penalty of revoking the license. All licenses shall expire on June thirtieth of the year following the year of issuance. Nothing in this section shall apply to a bona fide grower hauling or assembling agricultural seed of his own production, for sale, storage, cleaning, processing or shipment.''

Expiration date of licenses.

Amendment of Sec. 3-306, Rev. Codes, 1947.

Section 3. That Section 3-306, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Commissioner to prescribe rules and regulations.

Inspection of seed warehouses.

Reports from warehousemen and others.

Form and contents of warehouse receipts.

''Section 3-306. *The commissioner of agriculture shall prescribe such rules and regulations, within the limitations of this act, as may be necessary and proper to facilitate the administration thereof, and to insure its application to all persons, firms, copartnerships and corporations subject to its provisions, and for the proper and safe conduct of the business regulated by this act, in the public interest. The commissioner is hereby invested with authority to make such inspections of seed warehouses or other places for storage of seed, or for handling the same by licensees hereunder, and of the facilities employed or used in carrying on the businesses referred to herein, and of agricultural seeds, uncleaned or cleaned, and the containers thereof, and such other inspections, and to take samples of such seeds, as he deems necessary in carrying out this act, and applying and enforcing the same. The commissioner may require periodic or special reports from said warehousemen, buyers, brokers, commission buyers or agents on forms that may be prescribed by him, in aid of the administration of this act. The commissioner shall prescribe the form and contents of warehouse receipts which shall be issued and delivered by warehousemen or seed buyers to the owner of agricultural seeds, or to the owner's representative, upon transfer or receipt of such seed, and no other forms of warehouse receipt shall be issued and delivered by licensees under this act.''*

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 5. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 28, 1951.

CHAPTER 159

An Act to Amend Section 81-924, Revised Codes of Montana, 1947, Relating to Default in Payment of Purchase Price of State Lands and Cancellation of Certificate, to Provide That in Case of Default in Payment Where the Land Is Open to Lease, the Former Lessee Shall Have a Prior Right to Lease the Tract At the Existing Rate, or At the Rate Set by Competitive Bidding If Such Occurs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 81-924, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 81-924, Rev. Codes, 1947.

"81-924. (1805.88) **Default in Payment of Purchase Price — Cancellation of Certificate.** Whenever any purchaser of state land hereafter sold, or the assignee, shall default for a period of thirty (30) days or more in the payment of any of the installments due on his certificate of purchase, the certificate shall be subject to cancellation and the board shall cause to be mailed to him at his last known postoffice address a notice of default and pending cancellation which notice shall give him sixty (60) additional days from the date of mailing such notice in which to make payment of the delinquent installment or installments with penalty interest. If he fails to make such payment within that period the certificate of purchase shall from that date and without further notice be null and void, the duplicate of the certificate in the office of the commissioner shall be cancelled and the land under the certificate shall revert to the state and such land shall become the property of the state to the same extent as other state lands and shall be open to lease and sale, provided that all buildings, fences and other improvements placed thereon subsequent to the date of execution of such certificate of purchase shall be and remain the property of the purchaser named in said certificate of purchase or

Default in payment of purchase price.

Cancellation of certificate.

Improvements placed on land by purchaser.

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of his heirs, assigns, or devisees; and may be removed from such land at any time within ninety (90) days from and after the date of such cancellation. If such buildings, fences, and other improvements shall not have been removed prior to the expiration of such ninety (90) day period, they shall become the property of the state. *In case of cancellation of certificate of purchase or surrender of certificate of purchase and where the land is again open to lease, the former lessee shall have the prior right to lease the tract at the existing rate or at the rate set by competitive bidding if such occurs.''*

Former lessee to have prior right to lease.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 160

An Act to Provide for Aid to the Permanently and Totally Disabled Persons in Need, Making Provision for Administration, Setting Forth Eligibility Requirements, Determination of Permanent and Total Disability, Determining Amount of Assistance, the Method of Application for Assistance, the County Share of Participation, the Investigation of Applications, Appointment of Guardians, Change of Residence of Recipients and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

General administration of aid to the disabled.

Section 1. **Provision for Administration.** (a) The State Department of Public Welfare is hereby authorized and is charged with the general administration and supervision of aid to the permanently and totally disabled under the powers, duties and functions as prescribed in Sections 71-201 through 71-232, Revised Codes of Montana, 1947.

Local administration.

(b) The County Departments of Public Welfare are hereby charged with the local administration and supervision of aid to the permanently and totally disabled subject to the powers, duties and functions prescribed for the county departments in Sections 71-201 through 71-232, Revised Codes of Montana, 1947.

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Administration of state plan must be uniform throughout the counties of the state.

(c) It is hereby mandatory and required that the state plan and operation of aid to the permanently and totally disabled shall be in effect in each and every county of the state and that the administration and supervision of aid to the permanently and totally disabled shall be uniform throughout the several counties of the state.

(d) All rules and regulations of the Federal Social Security Administration and the State Department of Public Welfare made under this act shall be binding upon the County Departments of Public Welfare.

"Aid to the permanently and totally disabled," defined.

(e) Aid to the permanently and totally disabled, as used in this part, means money payments to needy individuals eighteen (18) years of age or over who are permanently and totally disabled.

Eligibility requirements for aid.

Section 2. **Eligibility Requirements for Aid to the Permanently and Totally Disabled.** Aid to the permanently and totally disabled shall be granted any person who:

(a) Has attained the age of eighteen (18) years;

(b) Has income which is inadequate to provide a reasonable subsistence compatible with decency and health;

Residence.

(c) Has been a resident of the State of Montana for at least one (1) year immediately prior to the date of receipt of this assistance. Any person otherwise qualified who has resided in a county for one (1) year shall thereby acquire residence in that county which residence shall be retained until residence is acquired in another county by residing there for one (1) year. If a person has not resided in a county for one (1) year, but has resided in the state for one (1) year, an application for this assistance shall be made in the county in which he is residing but the state shall bear the entire cost of his assistance exclusive of the federal share until he has acquired county residence;

(d) Is permanently and totally disabled as defined by the rules and regulations of the State Department of Public Welfare;

(e) Is not an inmate of a public institution, except as a patient in a public medical institution; is not a patient in an institution for tuberculosis or mental diseases, or is not

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a patient in a medical institution as a result of having been diagnosed as having tuberculosis or psychosis:

(f) Is not receiving old age assistance, aid to dependent children or aid to needy blind for himself or herself.

Determination of disability.

Section 3. **Determination of Permanent and Total Disability.** Determination of the existence of permanent and total disability shall be by competent medical, social work and other technical personnel in accordance with the rules and regulations of the state department.

Amount of assistance.

Section 4. **Amount of Assistance.** The amount of aid to the permanently and totally disabled granted any person shall be determined by the County Department of Public Welfare according to the rules and regulations and standards of assistance established by the state department.

Application for assistance.

Section 5. **Application for Assistance.** Application for assistance under this part shall be made to the county office of the county department in the county in which the person is residing. The application shall be in the manner and on the form prescribed by the State Department of Public Welfare. All individuals wishing to apply shall have the opportunity to do so.

County share of participation.

Section 6. **County Share of Participation.** Each county department shall reimburse the state department in the amount of *two-thirds (2/3)* of the approved aid to the permanently and totally disabled grants paid by the state department to persons in the county each month, exclusive of the federal share and limited to the federal matching maximum. Each county department shall reimburse the state department in the amount of seventy-five per cent (75%) of the portion of such grants that is not included within the provisions of the first sentence of this section. Such reimbursements shall be credited to the aid to the permanently and totally disabled account of the state department.

Investigation of applications.

Section 7. **Investigation of Applications.** Whenever the county department receives an application for aid to the permanently and totally disabled an investigation shall be promptly made. The investigation of each application for aid to the permanently and totally disabled shall be conducted by a staff worker of the county depart-

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ment. Each applicant shall be informed of his right to a fair hearing and of the confidential nature of information secured with regard to his circumstances. Upon completion of such investigation, the staff of the county welfare department shall determine whether the applicant is eligible for and should receive a grant and the amount of the assistance. The county public welfare board shall review the determination made by the staff of the county department. Aid shall be furnished promptly to all eligible persons. Each applicant shall receive written notice of the decision concerning his application.

Redetermination of eligibility.

Section 8. **Redetermination of Eligibility.** All aid to the permanently and totally disabled cases approved under this part shall be reviewed as often as shall be required under the rules and regulations of the state department. The review shall include a redetermination of eligibility factors and the amount of payment.

Assistance may be paid to guardian.

Section 9. **Assistance May Be Paid to Guardian.** If the person receiving aid to the permanently and totally disabled is, in the opinion of the County Public Welfare Department, found incapable of taking proper care of himself or his money, the County Public Welfare Board may make the necessary legal arrangements for the appointment of a guardian and shall then direct that the assistance payments be paid to the guardian for the benefit of such irresponsible recipient.

Change of residence of persons receiving aid.

Section 10. **Change of Residence of Persons Receiving Aid to the Permanently and Totally Disabled.** A recipient who moves to another county in this state shall continue to receive assistance with the approval of the state department; the county from which he has moved shall be charged by the state department for such county share of his assistance for a period of one (1) year after which time the county to which he has moved shall be charged therefor. The state department will determine the date of transfer and the counties concerned shall abide by the rules and regulations of the state department which relate to the transfer of assistance payments.

Repealing clause.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

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Effective date.

Section 12. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 1, 1951.

CHAPTER 161

An Act to Amend Section 4-439, Revised Codes of Montana, 1947, Pertaining to Alcoholic Beverages and Providing for Revocation of License and Penalties Violating the Montana Retail Liquor License Act, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 4-439, Rev. Codes, 1947.

Section 1. That Section 4-439, the Revised Codes of Montana, 1947, be amended to read as follows:

Penalty for violating Act.

"Section 4-439. **Penalty for Violating Act — Revocation of License.** Any person violating any of the provisions of this act, shall upon conviction thereof, be deemed guilty of a misdemeanor and punishable by such fine or imprisonment, or both, as provided by law, except as is herein otherwise provided. If any such licensee is convicted of any offense under this act his license shall be immediately revoked, or in the discretion of the board suspended temporarily for a time to be determined by the board. *Further, if any person under the age of twenty-one (21) is convicted of an offense under this act he shall be subject to a one hundred dollar ($100.00) fine or thirty (30) days in confinement. It shall be further mandatory under the provisions of this act, that all such licensees display in a prominent place in his premises a placard as issued by the board stating fully the consequences for violations by persons under the age of twenty-one (21) years of the provisions of this act.*

Violation by persons under age of twenty-one.

Offenses relating to persons under twenty-one years of age.

"Any person who invites a person under the age of twenty-one (21) years into a public place where liquor is sold and treats, gives or purchases liquor for such person, or permits such person in a public place where liquor is sold to treat, give or purchase liquor for him, or holds out such person to be over the age of twenty-one (21) years to the owner of the liquor establishment, or his or her employee or employees, shall be guilty of a misdemeanor."

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Section 2. That all acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 28, 1951.

CHAPTER 162

An Act to Amend Title 8-127, Revised Codes of Montana of 1947, Relating to Fees and Charges to Be Made by the Board of Railroad Commissioners Based On the Gross Operating Revenue of Motor Carriers and Providing for An Exemption for Certain Specified Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Title 8-127 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 8-127, Rev. Codes, 1947.

"8-127. **Additional Fees Covering Motor Carriers.** In addition to all other licenses, fees and taxes imposed upon motor vehicles in this state and in consideration of the use of the highways of this state, every motor carrier holding a certificate of public convenience and necessity or permit issued by the board of railroad commissioners, shall between the first and fifteenth days of January, April, July and October of each year, file with the board of railroad commissioners a statement showing the gross operating revenue of such carrier for the preceding three (3) months of operation, or portion thereof, and shall pay to the board a fee of one-half (½) of one (1) per cent of the amount of such gross operating revenue; and in the event that such carrier operates in interstate commerce, the gross operating revenue of such carrier within this state shall be deemed to be all the revenue received from business beginning and ending within this state, and a proportion based upon the proportion of the mileage within this state to the entire mileage over which the business is done of revenue on all business passing through, into or out of this state; provided, however, that the minimum fee which shall be paid by each class A and class B carrier for each vehicle registered and/or operated under the provisions of the motor carrier act shall be thirty dollars ($30.00) and the minimum annual fee which shall be paid by each class C carrier for each vehicle registered and/or

Additional fees covering motor carriers.

Amount to be paid.

Minimum fee payable by Class A and Class B carriers.

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operated under the motor carrier act shall be fifteen dollars ($15.00); *provided, however, that the minimum annual fee provided by this section shall not apply to either new or used vehicles operated under their own power where such vehicle is being delivered to a dealer and will only be transported once.*''

Proviso.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 163

An Act to Amend Section 75-3403 of the Revised Codes of Montana, 1947, Relating to School Boards Operating Busses or Contracting for Transportation of Pupils by Providing Authority to School Boards Operating Busses to Set Up a Depreciation Reserve to Be Kept in a Separate Fund and Used Only for the Replacement of the Bus or Busses for Which Reserve Is Set Up, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-3403, Revised Codes of Montana 1947, be, and the same hereby is amended to read as follows:

Board of trustees may purchase or rent school busses or contract for transportation.

''75-3403. **School Board May Operate Busses or Contract for Transportation of Pupils.** *School Board May Set Up Depreciation Reserve for Purchase of Replacement Busses.* The board of trustees shall have the power to purchase, or rent and provide for the upkeep, care and operation of school busses; or to contract and pay for the transportation of eligible pupils, such contracts to run for terms not to exceed three (3) years; *and provided, further, that each district owning a school bus or busses may levy a sufficient number of mills to create a reserve of not to exceed twelve and one-half percent (12½%) per year of the original cost of the bus or busses for which the reserve is created; said fund to be kept separate and apart from all other funds, and to be used only for the purchase of the*

Reserve fund for purchase of busses.

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bus or busses needed to replace the bus or busses for which said reserve was created, unless authorized by a majority of the votes cast by the qualified electors of the district at an election called for that purpose.''

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after the first day of June, 1951. Effective date.

Approved February 28, 1951.

CHAPTER 164

An Act to Amend Section 81-209 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 176, Laws of 1949, Relating to the Salaries and Compensation of Officers and Employees of the Department of State Lands and Investments; Changing the Salary of the Commissioner of State Lands and Investments From Forty-five Hundred Dollars ($4,500.00) Per Annum to Five Thousand Dollars ($5,000.00) Per Annum, Payable Monthly; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 81-209 of the Revised Codes of Montana of 1947, as amended by Section 1 of Chapter 176, Laws of 1949, be, and the same is hereby amended to read as follows: Amendment of Sec. 81-209, Rev. Codes, 1947, as amended.

''Section 81-209. **Salaries and Compensation.** The salary of the commissioner shall be *five thousand dollars ($5,000.00)* per annum, payable monthly, and the salary of the chief field agent shall be *four thousand five hundred dollars ($4,500.00)* per annum, payable monthly, and the salary of the deputy field agents, clerks, and all employees shall be fixed and determined by the state board of examiners subject to the provisions of Chapter 30, laws of 1943, as amended. The salaries of the employees of the department shall be payable monthly from the state general fund. The commissioner of state lands and investments, the chief field agent, and all employees shall be paid actual and Salaries and compensation.

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necessary expenses while engaged in the performance of their official duties outside the state capitol."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1951.

CHAPTER 165

An Act to Amend Section 4-101, Revised Codes of Montana, 1947, Relating to the State Liquor Control Act of Montana, Providing for the Manner of Citing the Same, Declaring the Policy of the State That the Control of the Manufacture, Sale and Distribution of "Liquor", As "Liquor" is Defined in the State Liquor Control Act of Montana, and As Amended By Chapter 209, Laws of the Thirty-first Legislative Assembly of Montana, 1949, Shall Be Effectuated Under the "State Liquor Control Act of Montana" and the Retail Liquor License Act of Montana, and As Such Acts May Be Amended or Supplemented; and Providing That the Control By the State of Montana of the Manufacture, Sale and Distribution of Beer Shall Be Regulated and Effectuated Under the Provisions of the Montana Beer Act, As Amended and Supplemented, and Not Under the Provisions of the State Liquor Control Act of Montana; Providing That the Terms "Beer" and "Malt Liquor" Whenever Such Terms Are Used As a Subject of Regulation and Control in the State Liquor Control Act of Montana Shall Refer to and Be Construed As Applicable Only to Beer, Ale, Porter, Stout or Other Malt Liquors Containing More Than Four Per Centum (4%) of Alcohol by Weight, and That Such Beer, Ale, Porter, Stout and Malt Liquors Containing More Than Four Per Centum (4%) of Alcohol by Weight Shall Be Defined and Classified as "Liquor", and, as Such, Shall Be Subject to Regulation and Control By and Under the Provisions of the "State Liquor Control Act of Montana", and Not Under the Provisions of the Montana Beer Act; and Amending Section 4-236, Revised Codes of Montana, 1947, Relating to the Effective Dates of Chapter 105, Laws of the Twenty-third Legislative Assembly of Montana, 1933, and Chapter 106, Laws of

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the Twenty-third Legislative Assembly of Montana, 1933, and Declaring Such Dates, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 4-101, Rev. Codes, 1947.

Section 1. That Section 4-101, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Citation of State Liquor Control Act.

"Section 4-101. **Citation of State Liquor Control Act** — *Declaration of Policy — Subject Matters of Regulation Under Act.* This act may be cited as the 'state liquor control act of Montana'. *It is hereby declared to be the policy of the State of Montana to effectuate and insure the entire control of the manufacture, sale and distribution of liquor within the State of Montana as that term is defined in Section 4-102, Revised Codes of Montana, 1947, as amended by Chapter 209, Laws of the Thirty-first Legislative Assembly of Montana, in, and subject to, the authority of the State of Montana through the Montana liquor control board, in accordance with the provisions of the state liquor control act of Montana (Title 4, Chapter 1, Sections 4-101 through 4-171, inclusive, Revised Codes of Montana, 1947, as amended or supplemented) and in accordance with the provisions of the retail liquor license act (Title 4, Chapter 4, Sections 4-401 through 4-441, inclusive, Revised Codes of Montana, 1947, as amended or supplemented).*

Declaration of policy relating to liquor.

Policy relating to beer.

"It is hereby declared to be the policy of the State of Montana to effectuate and insure that the control and regulation by the State of Montana of the manufacture, sale and distribution of beer, as that term is defined in the Montana beer act (Title 4, Chapter 3, Sections 4-301 through 4-356, inclusive, Revised Codes of Montana, 1947, as amended or supplemented) and regulated thereby, and containing four per centum (4%) of alcohol by weight or less, and the incidents of such manufacture, sale and distribution of such beer, shall continue subject to, and be effectuated exclusively under, the provisions of the Montana beer act, as amended or supplemented, and not under the provisions of the state liquor control act of Montana. The terms 'beer' and 'malt liquor' whenever used as a subject of regulation and control by and under the state liquor control act of Montana shall refer to, and be con-

Beer and malt liquor defined with reference to alcoholic content.

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strued as applicable only to, beer, ale, porter, stout or other malt liquors containing more than four per centum (4%) of alcohol by weight, and such beer, ale, porter, stout and malt liquors containing more than four per centum (4%) of alcohol by weight, are hereby classified and defined as 'liquor' and shall be subject to regulation and control under the terms of the state liquor control act of Montana as amended or supplemented, and not under the provisions of the Montana beer act, as amended or supplemented. The said acts herein referred to shall be deemed an exercise of the police power of the state, in, and for the protection, of the welfare, health, peace, morals and safety of the people of the state and their provisions shall be construed for the accomplishment of such purposes."

Amendment of Sec. 4-236, Rev. Codes, 1947.

Section 2. Section 4-236, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Declaration of time original regulatory acts became effective.

"Section 4-236. *Declaration of Time Original Regulatory Acts Became Effective. The state liquor control Act, originating as Chapter 105, Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, approved March 13, 1933, became effective, in accordance with its terms, upon the ratification of Amendment XXI to the Constitution of the United States by proclamation and certification of the secretary of state of the United States of America, on December 5, 1933. The Montana beer act, originating as Chapter 106, Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, approved March 14, 1933, became effective, in accordance with its terms, upon passage by the congress of the act approved March 22, 1933, 48 U. S. statutes at large, 17."*

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after noon meridian, July 1, 1951.

Approved February 28, 1951.

CHAPTER 166

An Act to Amend Sections 4-301 (2815.10), 4-302 (2815.11), 4-307 (2815.12), 4-317 (2815.22), 4-318

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(2815.23), 4-330 (2815.33), 4-342 (2815.45), 4-344 (2815.47), 4-349 (2815.51), Revised Codes of Montana, 1947, All Thereof Being Sections in and of the "Montana Beer Act"; Said Section 4-301 Relating to the Manner of Citing Said Act, Declaring the Policy of the State of Montana to Regulate and Control the Manufacture, Transportation, Sale, Distribution and Possession of Beer of Not More Than Four Per Centum (4%) of Alcohol by Weight and As That Term is Defined By the Montana Beer Act, Under and By the Terms of the Montana Beer Act and the Montana Retail Liquor License Act, and Providing That Beer and Malt Liquors Containing More Than Four Per Centum (4%) of Alcohol by Weight Shall Be Subject to, and Continue Subject to the Regulations and Controls of the State Liquor Control Act of Montana; Said Section 4-301 Relating to the Definitions of Terms in the Montana Beer Act, and Defining Beer for the Purposes of That Act; Said Section 4-307 Relating to the Powers of the Montana Liquor Control Board to Prescribe Rules and Regulations Under Said Act, and to Prescribe Standards of Sanitation and Safety on Premises Licensed for Consumption of Beer on Premises; Said Section 4-317 Relating to the Licensing of Brewers Under the Montana Beer Act, Persons to Whom Licensed Brewers May Sell Beer, and Levying a Barrelage Tax on Beer; Said Section 4-318 Relating to Wholesalers' Licenses and Qualifications of Wholesalers, Issuance of Duplicate License to Wholesalers to Cover One (1) Subwarehouse Only for Each Wholesale Licensee, and Providing That Licensed Wholesalers Shall Unload Beer Manufactured in Other States and Consigned to Them Into the Warehouse or Subwarehouse of the Licensed Wholesaler in This State; Said Section 4-330 Relating to Offenses in Connection With the Purchase or Sale of Beer, Including Sales, Deliveries or Gifts of Beer to Minors, Intoxicated Persons, Interdicted Persons, and Others, and Prescribing Penalties, Suspension or Revocation of Licenses for Such Offenses; Said Section 4-342 Relating to the Powers of the Board to Refuse, Cancel or Revoke Licenses Issued Under the Montana Beer Act and to Investigate Complaints Respecting the Actions or Operations of Brewer, Wholesaler and Retailer Licensees, Providing for Administrative Procedures and Judicial Re-

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view by the District Courts of Actions or Intended Actions of the Board; Said Section 4-344 Providing That the District Courts Shall Have Concurrent Jurisdiction With Justice Courts in All Prosecutions Under This Act; Said Section 4-349 Forbidding Brewers to Furnish Property, Except of the Limited Value Specified in This Act, to Retail Licensees, or to Be Financially Interested, Directly or Indirectly, in the Conduct or Operation of the Business of a Licensed Retailer; Permitting the Advertising of Beer Except as Restricted by the Provisions of This Act; Providing That Brewers May Have and Operate Under License Storage Depots for Receiving, Storing and Distribution of Beer Manufactured by Them in This State Off Brewery Premises, at Any Point in Montana; and Repealing Sections 4-316 (2815.21), 4-331 (2815.34), 4-334 (2815.37), 4-335 (2815.38), 4-336 (2815.39) and 4-343 (2815.46) Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4-301 (2815.10), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Citation of Act.

"Section 4-301 (2815.10). **Citation of Act** — *Declaration of Policy.* This act may be cited as the 'Montana beer act'. *It is hereby declared to be the policy of the State of Montana that the manufacture, transportation, distribution, sale and possession of 'beer', as that term is hereinafter defined in this act and which contains not more than four per centum (4%) of alcohol by weight, shall be controlled and regulated by and under the provisions of the 'Montana beer act' and the 'Montana retail liquor license act'. Beer, porter, ale, stout and malt liquors containing more than four per centum (4%) of alcohol by weight and which are defined as 'liquor' by the 'State liquor control act of Montana', shall be subject to the regulations and controls provided by the 'state liquor control act of Montana', (section 4-101 through section 4-171, inclusive, Revised Codes of Montana, 1947, as amended) and the regulations and controls provided by the 'Montana retail liquor license act' (sections 4-401 through 4-441, inclusive, Revised Codes of Montana, 1947, as amended).*"

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Section 2. That Section 4-302 (2815.11), Revised Codes of Montana, be, and the same is hereby amended to read as follows: Amendment of Sec. 4-302, Rev. Codes, 1947.

"Section 4-302 (2815.11). **Definitions.** In this act, the expression Definitions.

"(a) 'Board' as used in this act means the Montana liquor control board, which shall administer the Montana beer act, under its provisions, without additional compensation. "Board."

"(b) 'Beer' means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt and hops, or of any similar products, in drinkable water, *containing not more than four per centum (4%) of alcohol by weight. Beer which is the subject of regulation and control under this, the Montana beer act is beer containing not more than four per centum (4%) of alcohol by weight.* "Beer."

"(c) 'Brewer' means any person having a factory or an establishment adapted for the making of beer. "Brewer."

"(d) 'Retailer' means any person engaged in the sale and the distribution of beer, either on draught or in bottles, *or cans,* to the public to be served and consumed on the premises of such retailer, or in the sale or distribution of beer to the public with intent that such beer shall be taken away from the premises of such retailer for consumption off such premises. "Retailer."

"(e) 'Storage depot' means a building or structure owned or operated by a brewer at any point in the State of Montana, off and away from the premises of a brewery, and which structure is equipped with refrigeration or cooling apparatus for the storage of beer, and from which a brewer may sell or distribute beer as permitted by the Montana beer act. "Storage depot."

"(f) 'This Act' or 'this act' means the 'Montana beer act' as amended or supplemented. "This Act."

"(g) 'Vehicle' means any means of transportation by land or by water or by air and includes everything made use of in any way whatever for such transportation. "Vehicle."

"(h) 'Warehouse' or 'subwarehouse' means a building or structure owned or operated by a licensed wholesaler "Warehouse." "Storehouse."

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for the receiving, storage, and distribution of beer from such location, as permitted by the Montana beer act.

"Wholesaler."

"(i) 'Wholesaler' means any person having a store or establishment for the sale and distribution of beer in wholesaling or jobbing quantities, or for the sale and distribution of beer in original packages to the public, with intent that such packages shall be delivered or taken away from the premises of such wholesaler in unbroken package for consumption off the premises of such wholesaler."

Amendment of Sec. 4-307, Rev. Codes, 1947.

Section 3. That Section 4-307 (2815.12), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Powers of board to make and enforce regulations.

"Section 4-307 (2815.12). **Powers of Board to** *Make and Enforce Regulations.* The board shall have power:

"(a) To prescribe all forms of applications for licenses, forms of licenses, reports, returns, statements and other forms required by this act, or found necessary and proper by the board in the administration thereof.

"(b) To make, adopt and promulgate rules and regulations.

(1) Relating to the labeling of containers of beer and the contents thereof, which rules and regulations may be uniform with the rules and regulations of the alcohol tax unit of the bureau of internal revenue of the United States of America, relating to labeling, and not inconsistent with the Montana beer act;

Relating to licensed premises.

(2) Relating to, and prescribing standards of sanitation, cleanliness, and safety for all premises licensed for the consumption of beer on the premises, and the plumbing therein and therefor, toilets and rest room facilities, equipment, supplies, fixtures, beer-dispensing apparatus, and utensils on such premises, or used in connection with the dispensation and consumption of beer thereon; and

(3) Without limitation from the foregoing, such other and further regulations as are necessary and feasible for the purpose of carrying into effect the provisions of the Montana beer act. Rules and regulations adopted by the board within the authority of this act, shall have the force and effect of law."

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Amendment of Sec. 4-317, Rev. Codes, 1947.

Section 4. That Section 4-317 (2815.22), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 4-317 (2815.22). *Licenses of Brewers. Persons to Whom Brewers May Sell Beer. Barrelage Tax.*

Licenses of brewers.

"(1) Any brewer duly licensed as such by the United States of America, who manufactures beer in the State of Montana, *upon payment of the annual license fee imposed by Section 4-341 (2815.44) of this act and upon presenting satisfactory evidence to the board as required by Section 4-310 (2815.15) of this act, shall* be licensed by the board in accordance with the provisions of this act and such regulations as may be prescribed by the board, to sell and deliver:

"(a) Beer to a vendor;

"(b) Beer to any licensees who are entitled to purchase beer from a brewer under this act; or

"(c) Beer to the public, subject to the limitations and restrictions contained in this act; or to do any one or more of such acts of sale and delivery of beer.

Additional tax levy.

"(2) In addition to the annual license tax imposed *by Section 4-341 (2815.44) of this act,* a tax of one dollar ($1.00) per barrel of thirty-one (31) gallons is hereby levied and imposed on each and every barrel *of beer* sold by *any duly* licensed brewer *who manufactures beer in the State of Montana,* which said *barrelage* tax shall be due at the end of each month and shall be payable with the *brewer's monthly* return *or statement* required to be made *to the board* under the provisions of Section 4-311, *Revised Codes of Montana, 1947.*"

Amendment of Sec. 4-318, Rev. Codes, 1947.

Section 5. That Section 4-318 (2815.23), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Wholesalers' licenses.

"Section 4-318 (2815.23). **Wholesalers' Licenses.** *Qualifications.* **Application For and Issuance.** *Subwarehouse. Imported Beer to be Handled by Wholesalers Through Warehouse or Subwarehouse.* Any person desiring to sell and distribute beer as a wholesaler under the provisions of this act shall apply to the board for a license to do so and tender with his application the license fee hereinafter

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provided for and the board is hereby empowered, authorized and directed to issue one wholesale license for every thirty (30) retail beer licenses figured on the number of retail beer licenses issued in the state to qualified applicants in accordance with the provisions of this act; such license shall be at all times prominently displayed in the place of business of such wholesaler.

Qualifications.

"To qualify for a wholesaler's license the applicant shall have been a resident of Montana for a period of five (5) years immediately prior to making application, or if said applicant is a Montana corporation said corporation shall have been organized for a period of five (5) years immediately prior to making application; or if applicant is a foreign corporation said corporation shall have been authorized to do business in Montana for a period of five (5) years immediately prior to making application; and said applicant shall have a fixed place of business, sufficient capital, the facilities, storehouse, receiving house or warehouse for the receiving of, storage, handling and moving of beer in large and jobbing quantities for distribution and sale in original packages to other licensed wholesalers or licensed retailers. Each wholesaler shall be entitled to only one (1) wholesale license, which license shall be issued for his principal place of business *in Montana; a duplicate license* may be issued for *one (1) subwarehouse only in Montana for each wholesale licensee,* which said duplicate *license* shall at all times be prominently displayed at said subwarehouse; licenses already issued which are in excess of said limitations and which are of issue on the date of the passage and approval of this act, shall be renewable, but no new wholesale beer licenses shall be issued until the number of licenses shall be reduced to within the above limitation.

Duplicate licenses for subwarehouse.

Beer shipped into state to be handled by wholesalers through warehouse or subwarehouse.

"All beer manufactured outside of the State of Montana and shipped into Montana shall be consigned to and shipped to a licensed wholesaler, *and by him unloaded into his warehouse in Montana or subwarehouse in Montana;* said wholesaler shall distribute said beer from *such* warehouse *or subwarehouse;* said wholesaler shall keep records at his principal place of business of all beer including the name or kind received, on hand, sold and distributed; said records may at all times be inspected by any member or representative of the board; any beer which

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has been shipped into Montana and has not been shipped to and distributed from a warehouse of a licensed wholesaler shall be seized by any peace officer or representative of the board and may be confiscated in the manner as provided for the confiscation of intoxicating liquor."

Right of brewers to maintain storage depots.

Section 6. *Right of Brewers to Maintain and Operate Storage Depots. Annual Licenses Therefor. It shall be lawful for any brewer duly licensed to manufacture beer in the State of Montana, upon the payment to the board of an annual license fee, in addition to all other fees and taxes required to be paid by such brewer, of four hundred dollars ($400.00) for each storage depot, to own, lease, maintain and operate, in any city or town in the State of Montana, a building for use as a storage depot, equipped with refrigeration and cooling apparatus, for receiving, handling, and storing beer therein, and distributing and selling beer therefrom, as brewers are permitted to sell and distribute beer under the provisions of this act.*

Additional tax.

Amendment of Sec. 4-330, Rev. Codes, 1947.

Section 7. That Section 4-330 (2815.33), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Purchase of beer by retailer.

"Section 4-330 (2815.33). **Purchase of Beer by Retailer.** *Persons to Whom Beer May Not Be Sold, Delivered or Given by Brewers, Wholesalers or Retailers.* It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licensed under the provisions of this act.

Persons to whom beer may not be sold, delivered or given by brewers, wholesalers or retailers.

"It shall be unlawful for any brewer, wholesaler or retailer, his or her employee or employees to sell, deliver or give away, or cause or permit to be sold, delivered or given away, any beer to:

1. Any person under the age of twenty-one (21) years;

2. Any intoxicated person or any person actually, apparently or obviously intoxicated;

3. An habitual drunkard; or

4. An interdicted person.

Penalty for violation.

"Any brewer, wholesaler or retailer violating any of the provisions of this section, shall upon conviction thereof be subject to the penalties provided for in Section 4-305

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of the Montana beer act, and in addition thereto the license of any such brewer, wholesaler or retailer shall, in the discretion of the board, be immediately revoked, or said license may be suspended for a period of not more than three (3) months. Any minor, Indian or other person who knowingly misrepresents his or her qualification for the purpose of obtaining beer from any licensee shall be equally guilty with said licensee and shall, upon conviction thereof, be subject to the penalty provided in Section 4-305 of the Montana beer act.''

Amendment of Sec. 4-342, Rev. Codes, 1947.

Section 8. That Section 4-342 (2815.45), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

''Section 4-342 (2815.45). *Denial of Application for License or Renewal. Suspension or Revocation. Actions. The board may (1) upon its own motion and shall (2) upon a written, verified complaint of any person, investigate the action and operation of any brewer, wholesaler or retailer licensed under the Montana beer act. If the board, after investigation, shall have reasonable cause to believe that any such licensee has violated any of the provisions of this act, or any rules, or regulations of the board, it may, in its discretion, and in addition to the other penalties herein prescribed, proceed to revoke the license of any such licensee, or it may suspend the same for a period of not to exceed three (3) months, or it may refuse to grant a renewal of said license upon the expiration thereof, under the procedures herein provided. If the board shall, in its sound discretion, determine to invoke such procedures for the purpose of refusing to grant a license or refusing to grant a renewal thereof to any applicant, or for revoking or suspending any license previously granted, it shall give applicant or licensee, as the case may be, fifteen (15) days' notice in writing of its intended action, addressed and forwarded by registered mail to the applicant or licensee at the address given in the application for license, or upon the existing license, as the case may be, stating generally the basis and reasons for its intended action and the proposed action. Within said fifteen (15) day period said applicant or licensee may, in cases of intention to refuse to grant a license, or intention to refuse to grant a renewal thereof, institute proceedings in the nature of a writ of review, or, in case of intention to revoke or suspend a*

Licenses: denial, revocation of, refusal to grant renewal.

Notice to applicant or licensee.

Court proceedings by applicant or licensee.

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license, institute proceedings in injunction, and in any event in the district court of the county wherein the premises of applicant or licensee are located for the purpose of having the intended action of the board judicially reviewed and inquired into for (a) abuse of discretion on the part of the board, (b) failure of the board to observe, or its departure from, or disregard of the applicable law governing the board in the particular circumstances, or (c) for arbitrary or tyrannical action by the board. The board shall in all cases certify to the court its complete record in the matter and the issues shall be heard on the merits by the court upon such record and upon such further legal evidence as the parties may present. If the court in any such proceedings determines that such licensee has, in fact, violated any provisions of this act or any regulations of the board, the court shall dismiss such proceedings, and the board shall proceed to such administrative determination as to it seems proper in the circumstances. Pending determination of such matter on the merits the court may, based upon a showing of undue hardship to a licensee and upon the posting of a proper bond in an amount, and conditioned upon such terms as the court may prescribe in the presence of the surrounding circumstances, stay the effective date of the intended action of the board for such time as to the court may seem proper. If no stay order is issued by the court or any stay order once issued has expired, the board shall issue its order of suspension or of revocation of license or its order denying the license applied for, or renewal thereof. If the court shall, on the other hand, determine that good cause did not exist for the intended action of the board, or that the board abused its discretion, or otherwise acted unlawfully with respect to its intended action, on any of the grounds herein stated, the court shall issue its order and decree accordingly and the board shall comply therewith. Either party to the proceedings in the district court may appeal from its decision to the supreme court of the State of Montana, by following the procedures applicable to such appeals in civil actions.''

When Court may stay effective date of action by board.

Section 9. That Section 4-344 (2815.47), Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Amendment of Sec. 4-344, Rev. Codes, 1947.

''Section 4-344 (2815.47). *Jurisdiction of Courts. The*

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Jurisdiction of courts.

district courts of this state shall have concurrent jurisdiction with justice of the peace courts in all prosecutions under this act."

Amendment of Sec. 4-349, Rev. Codes, 1947.

Section 10. That Section 4-349 (2815.51), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 4-349 (2815.51). *Brewers and Wholesalers Not to Supply Fixtures, etc., to Retailers, Except as Specified;* **Brewers Not to Be Interested in Retailer Financially.**

Brewers and wholesalers forbidden to supply premises, fixtures or other property to retail licensee.

"(a) It shall be unlawful for any brewer or wholesaler to lease, furnish, give or pay for any premises, furniture, fixtures, equipment, *signs, or any other advertising matter* or *any* other property to any retail licensee, used or to be used in the dispensation of beer *in and about the interior or exterior of the place of business of any licensed retailer, or furnish, give, or pay for any repairs, improvements, painting or decorating on or within such premises: provided, however, that it shall be lawful for a brewer or wholesaler to furnish, give or loan to a retail licensee,*

Proviso: what may be furnished.

1. Bottle openers, can openers and trays, with or without advertising matter thereon;

Advertising matter.

2. Advertising matter or novelties, of a value of not to exceed fifteen dollars ($15.00) in any calendar year, to any one retailer for display use on the interior of said retailer's place of business; and

Illuminated or electrical signs.

3. Not more than two (2) illuminated or electrical signs, each of not more than three hundred (300) square inches in area, and both not in excess of fifty dollars ($50.00) in value, exclusive of installation charges, which signs may bear the name, brand name, trade name, trade mark or other designation indicating the name of the manufacturer, and the place of manufacture, of beer, for display by the retail licensee on and within the interior of his place of business, or in the windows inside the place of business of the licensed retailer, and only if the particular brand of beer so advertised on such signs is actually available for sale on the licensee's premises, at the time of such display.

"(b) No brewer or wholesaler shall advance *or loan money to, or* furnish money for, or pay *for or on behalf of any retailer,* for any license or tax which may be required

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to be paid for any retailer, and no brewer or wholesaler shall be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer, as herein defined.''

Advance or loan of money to pay for license or tax required of retailer.

Section 11. *Limitations on Advertising of Beer Containing Not More Than Four Per Centum (4%) of Alcohol by Weight. It shall be lawful to advertise beer containing not more than four per centum (4%) of alcohol by weight, as herein defined and regulated, subject to (a) the restrictions on brewers contained in section 4-349 of this act, and subject to (b) the restrictions on retailers, to wit: No retail licensee under the Montana beer act shall display, or permit to be displayed, on the exterior portion or surface of such retailer's place of business, or on the exterior portion or surface of any building of which said place of business is a part, or on any premises adjacent thereto, whether any of such premises be owned or leased by the retailer, any sign, poster or advertisement bearing the name, brand name, trade name, trade mark or other designation indicating the manufacturer, brewer, wholesaler or place of manufacture, of any beer whatsoever.''*

Limitations on advertising of beer.

Section 12. Sections 4-316 (2815.21), 4-331 (2815.34), 4-334 (2815.37), 4-335 (2815.38), 4-336 (2815.39) and 4-343 (2815.46) shall be, and the same are, and each is, hereby repealed. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 13. This act shall be effective at noon meridian on July 1, 1951.

Effective date.

Approved February 28, 1951.

CHAPTER 167

An Act to Amend Section 84-1401 of the Revised Codes of Montana, 1947, as Amended by Chapter 145 of the Session Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, Relating to the Classification and Reservation of State Owned Lands as State Forests, by Providing That Any Lands, Interests in Lands, Buildings, or Other Property Owned by the State Within Glacier National Park, May Be Conveyed to the United States at an Appraised Value, Without

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Competition, in Accordance With Consent of the United States as Expressed in Public Law 446, Approved March 16, 1948; Providing for the Method of Appraisal; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 81-1401, Rev. Codes, 1947.

Section 1. That Section 81-1401 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Classification of state lands as state forests.

"81-1401. **Classification of Lands as State Forests.** That all lands at present owned by the State of Montana, and all that may hereafter be acquired by the state through escheat, exchange, purchase, grant or devise, which are principally valuable for the timber that is on them, or for the growing of timber or for watershed protection, are hereby classified and designated 'state forests', and reserved for forest production and watershed protection; provided, however, that any lands, interest in lands, buildings, or other property, owned by the State of Montana within the boundaries of Glacier National Park may be conveyed to the United States at an appraised value without competition, in accordance with the consent of the United States as expressed in public law 446, approved March 16, 1948; and provided further, that such appraised value shall be determined by the state forester *with the approval* of the state board of land commissioners *subject to the final approval or disapproval of the legislature of the State of Montana and provided further, that such lands, interests in lands, buildings and other property, owned by the State of Montana, within the boundaries of Glacier national park, may be exchanged for other lands of equal or greater value in accordance with the provisions of Section 81-304 of the Revised Codes of Montana, 1947, and any amendments thereto.*"

State lands in Glacier National Park may be exchanged.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1951.

CHAPTER 168

An Act to Amend Sections 75-201, 75-203, 75-205 and

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75-206 of the Revised Codes of Montana, 1947, Relating to the Erection, Control, Management and Operation of Residence Halls at State Educational Institutions Comprising the Six Units of the University of Montana, by Providing the State Board of Education May Erect, Improve, Control, Manage and Operate Other Facilities and Field Houses in Addition to Residence Halls at Said Institutions, Defining "Facilities", Authorizing the Financing Thereof by the State Board of Education Out of Income, Providing When the Act Shall Take Effect and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 75-201, Rev. Codes, 1947.

Section 1. Section 75-201, Revised Codes of Montana, 1947, is hereby amended to read as follows:

State Board of Education, authorized to:

"Section 75-201. **Erection of Residence Halls and Other Facilities at Institutions Controlled by State Board of Education.** The state board of education is authorized to:

Erect and equip residence halls at units of the University of Montana.

"(a) Erect, equip and improve from time to time at any of the six units of the university of Montana under its control such residence halls and other facilities as may be required for the good of the institution.

Rent rooms and provide board.

"(b) Rent the rooms in such residence halls and provide board and other services to the students, officers, guests and employees of said institutions at such rates as will insure a reasonable excess of income over operating expenses.

Hold and spend funds from operation of halls.

"(c) Hold the funds derived from the operation of such residence halls and other facilities and spend the same for repairs, replacements and betterments including the erection of additional residence halls and other facilities.

"(d) Exercise full control and complete management of such residence halls and other facilities.

"Facilities" defined.

"(e) As used herein 'facilities' shall mean all dormitories, residence halls, dining rooms, refectories, health service buildings, student unions, *field houses where independently financed,* at any of the six units comprising the University of Montana under the control of the state board of education."

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Amendment of Sec. 75-203, Rev. Codes, 1947.

Section 2. Section 75-203, Revised Codes of Montana, 1947, is hereby amended to read as follows:

Provisions for carrying out powers.

"75-203. **Provisions for Carrying Out Powers.** In carrying out the above powers, said board may:

Borrow money.

"(a) Borrow money and issue negotiable bonds payable from income as herein provided in order to provide money to erect, equip and improve facilities or to refund bonds issued for such purposes.

Pledge rents and income.

"(b) Pledge the rents and income received from the residence halls and other facilities excepting field houses for the discharge of loans so executed, *provided, however, that all rents, income and other moneys received from the*

Field houses.

operation of any field house shall be used solely to discharge any loans and other obligations of such field house."

Amendment of Sec. 75-204, Rev. Codes, 1947.

Section 3. Section 75-204, Revised Codes of Montana, 1947, is hereby amended to read as follows:

State not to be obligated for payments.

"75-204. **State Not to Become Obligated for Payments.** No obligation created hereunder shall ever be or become a charge against the State of Montana but all such obligations, including principal and interest, shall be payable solely:

"(a) From the net rents and income pledged;

"(b) From the net rents and income which has not been pledged for other purposes arising from any other residence halls or other facilities at said institutions; or

"(c) From the income derived from gifts and bequests made to the institutions for residence hall purposes or purposes of other facilities, *including receipts from athletic contests in excess of expenses of the athletic department,* and including student union building fees arising from such a facility, until such time as all bonds for the construction thereof are retired.

"(d) *From net rents and income from field houses.*"

Amendment of Sec. 75-205, Rev. Codes, 1947.

Section 4. Section 75-205, Revised Codes of Montana, 1947, is hereby amended to read as follows:

"75-205. **Use of Rents and Income Relating to Institution — Where Derived.** In discharging obligations under the preceding sections, the residence halls and other fa-

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cilities, *excepting field houses* at each of said institutions shall be considered as a unit and the rents and other income available for residence hall purposes and other facilities at one institution shall not be used to discharge obligations created for residence halls or other facilities at another institution."

Rents and income from facilities at each institution not to be used to pay for facilities at another institution.

Section 5. Section 75-206, Revised Codes of Montana, 1947, is hereby amended to read as follows:

Amendment of Sec. 75-206, Rev. Codes, 1947.

"75-206. **State Funds Not to Be Used.** No state funds shall be loaned or used for this purpose, *except as hereinafter set forth.* This shall not apply *however* to funds derived from the net rents and income of residence halls or other facilities now or hereafter owned by the State of Montana, *provided, that the net rents and income of residence halls or facilities other than field houses shall not be used to discharge loans on obligations of any field house. Funds derived from the net rents, income and other moneys received from the operations of any field house shall be used solely to discharge any loans and other obligations of such field house.*"

State funds not to be used.

Income from residence halls not to be used for field houses.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 1, 1951.

CHAPTER 169

An Act Amending Section 16-1015, Revised Codes of Montana of 1947, as Amended by Chapter 114 of the Laws of the Thirty-first Legislative Assembly, 1949, Relating to Taxation to Defray Current Expenses Including Salaries Otherwise Unprovided For, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16-1015, Revised Codes of Montana, 1947, as amended by Chapter 114 of the Laws of the Thirty-first Legislative Assembly, 1949, be, and the same is hereby amended to read as follows:

Amendment of Sec. 16-1015, Rev. Codes, 1947, as amended.

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"Section 16-1015. (4465.12) Taxation.

County commissioners empowered to levy taxes for county purposes.

The board of county commissioners has jurisdiction and power under such limitations and reservations as are prescribed by law: To levy such tax annually on the taxable property of the county, for county purposes as may be necessary to defray the current expenses thereof, including the salaries otherwise unprovided for, not exceeding sixteen (16) mills on each dollar of the *taxable* valuation for any one year and to levy such taxes as are required to be levied by special or local statutes. Provided, however, that on and after July 1, *1951,* and extending to June 30, *1953,* the board of county commissioners is authorized in its discretion to levy not to exceed twenty (20) mills on each dollar of the *taxable* valuation for any one year."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1951.

CHAPTER 170

An Act to Amend Section 91-3013 of the Revised Codes of Montana for 1947, Relating to the Giving of Notices and Time of Sale of Real Estate at Private Sale.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 91-3013, Rev. Codes, 1947.

Section 1. That Section 91-3013 of the Revised Codes of Montana for 1947, be, and the same is hereby amended to read as follows:

Private Sale of real estate — notice required.

"Section 91-3013, (10222) **Private Sale of Real Estate, How Made and Notice — Bids, When and How Received.** When sale of real estate is ordered to be made at private sale, notice of the same must be posted in three (3) of the most public places in the county in which the land is situated, *such notice to be posted at least ten (10) days before the date of sale. Such notice shall be* published in a newspaper if there be one printed in the same county, if none, then in such as the court or judge may direct, *once a week for two (2) consecutive weeks.* The notice must state a day on or after which the sale will be made, and a place where offers or bids will be received, *and the lands and tenements to be sold must be described therein*

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with common certainty. The day fixed for sale must be within ten (10) days from the day of the last publication of notice, and the sale must not be made before *the* day *so fixed,* but must be made within six (6) months thereafter. The bids or offers must be in writing and may be left at the place designated in the notice, or delivered to the executor or administrator personally, or may be filed in the office of the clerk of court to which the return of sale must be made, at any time after the first publication of the notice, and before the making of the sale. If it be shown that it will be for the best interests of the estate, the court or judge may, by an order, shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than *ten,* in which case the notice of sale and the sale may be made to correspond with such order.''

Bids, when and how received.

Court may shorten time of notice.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved March 1, 1951.

CHAPTER 171

An Act Providing for the Repeal of Section 26-1118, Revised Codes of Montana, 1947, Which Section Relates to the Establishment of the Cherry Creek Game Preserve.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-1118, Revised Codes of the State of Montana, 1947, be, and the same is hereby repealed.

Sec. 26-1118, Rev. Codes, 1947, repealed.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

CHAPTER 172

An Act to Repeal Section 26-305 of the Revised Codes of Montana, 1947, Relating to the Definition of the Term ''Public Highway''.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 26-305, Rev. Codes, 1947, repealed.

Section 1. That Section 26-305 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Approved February 28, 1951.

CHAPTER 173

An Act to Amend Sections 16-214 and 16-223 of the Revised Codes of Montana of 1947, Defining the Boundaries of Fergus and Judith Basin Counties.

WHEREAS, the nineteenth legislative assembly of the State of Montana in the year 1925 did enact into law chapter 93 of the sessions laws of said assembly amending Sections 4318 and 4327 of the Revised Codes of the State of Montana, 1921, relating to changing the boundaries of Fergus and Judith Basin counties, and

Preamble.

WHEREAS, the boundaries between the said Fergus and Judith Basin counties were by said enactment changed, and

WHEREAS, the supreme court of the State of Montana, in the case of State ex rel Foot, Attorney General, Realtor, v. Burr et al, Respondents, did in 1925 declare that so much of said enactment as assumed to define the boundaries of Fergus county and include therein the entire territory embraced in Petroleum county was unconstitutional and void, and

WHEREAS, the boundary change between the said Fergus and Judith Basin counties as enacted by the said legislature was not declared unconstitutional or void by said supreme court decision and remained the valid and existing law of the State of Montana, and

WHEREAS, the Twenty-fifth Session of the Legislative Assembly of the State of Montana in the year 1937, did approve, and legalize and adopt as the laws of Montana, the Revised Codes of Montana of 1935, and

WHEREAS, the Thirty-second Session of the Legislative Assembly of the State of Montana in the year 1951, did approve, legalize and adopt as the laws of Montana, the Revised Codes of Montana of 1947, and

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WHEREAS, said Revised Codes of Montana of 1935, and said Revised Codes of Montana of 1947, and both and each of them, improperly describe said boundaries between Fergus county and Judith Basin county in that they were described as they existed in 1921 and not as said boundaries were changed by the said nineteenth legislative assembly in the year 1925;

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Amendment of Sec. 16-214, Rev. Codes, 1947.

Section 1. That Section 16-214 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Fergus County, boundary of.

"Section 16-214 (4318) **Fergus County.** *Beginning at a point where the range line between ranges 26 and 27 east intersect with the middle of the main channel of the Missouri river running south along said range line to the southwest corner of township 21 north of range 27 east; thence along the township line between townships 20 and 21 north to the northeast corner of section 6 in township 20 north of range 27 east; thence south approximately 15 miles to the southeast corner of section 18 in township 18 north of range 27 east; thence west to the southwest corner of said section in said township and range approximately 1 mile; thence south approximately ½ mile to the quarter corner on the east line of section 24 in township 18 north of range 26 east; thence west along the median line a distance of approximately 12 miles to the quarter corner on the west side of section 19 in township 18 north of range 25 east; thence south approximately 2½ miles to the southwest corner of township 18 north of range 25 east; thence west to the northwest corner of township 17 north of range 24 east; thence south to southwest corner of said township and range; thence west to the northwest corner of township 16 north of range 24 east; thence south to the southwest corner of said township and range; thence east to the southeast corner of said township and range; thence south to the southwest corner of township 13 north of range 25 east of the Montana principal meridian; thence west to the northwest corner of township 12 north of range 25 east; thence south to the southwest corner of township 12 north of range 25 east; thence west along the township*

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line between townships 11 and 12 north to the line between ranges 18 and 19 east; thence south along said range line to the northeast corner of section twenty-five (25), township eleven (11) north, range eighteen (18) east; thence west along the north line of sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30), township eleven (11) north, ranges eighteen (18) and seventeen (17) and sixteen (16) east, to the southeast corner of section nineteen (19), township eleven (11) north, range sixteen (16) east; thence north along the east boundary of sections nineteen (19), eighteen (18), seven (7) and six (6) in said township eleven (11) north of range sixteen (16) east, to the northeast corner of the southeast quarter of section six (6) in said township eleven (11) north of range sixteen (16) east; thence west to the northwest corner of said southeast quarter of section six (6), in said township and range; thence north to the southwest corner of the southeast quarter of section nineteen (19), in township twelve (12) north, range sixteen (16) east; thence west to the southeast corner of section twenty-three (23), township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of said section twenty-three (23) township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the southwest quarter of section fourteen (14), township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of said southwest quarter of section fourteen (14), township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the northeast quarter of section sixteen (16), township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of section sixteen (16) in township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the southwest quarter of the southeast quarter of section nine (9) in township twelve (12) north, range fifteen (15) east, thence north to the northeast corner of the northwest quarter of the southeast quarter of section four (4), township twelve (12) north, range fifteen (15) east, thence east to the southeast corner of the southeast quarter of the northwest quarter of section two (2), township twelve (12) north, range fifteen (15) east; thence north to the boundary line between townships twelve (12) and thirteen (13) north; thence east along said boundary line between

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townships twelve (12) and thirteen (13) north to the southeast corner of section thirty-four (34), township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of section twenty-seven (27), township thirteen (13) north, range fifteen (15) east; thence east to the southeast corner of the southwest quarter of the southwest quarter of section twenty-three (23), township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of the northwest quarter of the northwest quarter of section twenty-three (23), township thirteen (13) north, range fifteen (15) east; thence east to the southeast corner of section fourteen (14), township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of said section fourteen (14), township thirteen (13) north, range fifteen (15) east; thence east to the boundary line between ranges fifteen (15) and sixteen (16) east, thence north along said boundary line to the northeast corner of township sixteen (16) north, range fifteen (15) east; thence west to the southeast corner of township seventeen (17) north, range fourteen (14) east; thence north to the northeast corner of section twenty-four (24), township seventeen (17) north, range fourteen (14) east; thence west to the northwest corner of section nineteen (19), township seventeen (17) north, range fourteen (14) east; thence north to the northeast corner of township seventeen (17) north, range thirteen (13) east; thence west to the southeast corner of township eighteen (18) north, range twelve (12) east; thence north to the northeast corner of township eighteen (18) north, range twelve (12) east, thence west to the *southeast corner of section thirty-two (32), in township nineteen (19) north, range twelve (12) east; thence north along the east boundary line of sections thirty-two (32), twenty-nine (29), twenty (20), and seventeen (17), all in township nineteen (19) north, range twelve (12) east to the northeast corner of section seventeen (17), in township nineteen (19) north, range twelve (12) east;* thence east *along the section lines* to a point at the middle of Arrow creek; thence in a northeasterly direction down the middle of Arrow creek to a point in the center of the main channel of the Missouri river opposite the mouth of Arrow creek; thence down the middle of the main channel of the Missouri river to the point of beginning. The county seat is Lewistown, Montana.''

County seat.

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Amendment of Sec. 16-223, Rev. Codes, 1947.

Section 2. That Section 16-223 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Judith Basin county, boundary of.

"Section 16-223. (4327) **Judith Basin County.** Beginning at the northeast corner of township sixteen (16) north, range fifteen (15) east; thence west to the southeast corner of township seventeen (17) north, range fourteen (14) east; thence north to the northeast corner of section twenty-four (24), in township seventeen (17) north, range fourteen (14) east; thence west to the northwest corner of section nineteen (19), township seventeen (17) north, range fourteen (14) east; thence north to the northeast corner of township seventeen (17) north, range thirteen (13) east; thence west to the southeast corner of township eighteen (18) north, range twelve (12) east; thence north to the northeast corner of township eighteen (18) north; range twelve (12) east; thence west to the *southeast corner of section thirty-two (32), in township nineteen (19) north, range twelve (12) east; thence north along the east boundary line of sections thirty-two (32), twenty-nine (29), twenty (20) and seventeen (17), all in township nineteen (19) north, range twelve (12) east to the northeast corner of section seventeen (17), in township nineteen (19) north, range twelve (12) east; thence west along the north boundary line of sections seventeen (17), and eighteen (18), in township nineteen (19) north, range twelve (12) east; thence west along the north boundary line of sections thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), and eighteen (18), in township nineteen (19) north, ranges eleven (11), ten (10), and nine (9) east, to the northwest corner of section eighteen (18), township nineteen (19) north, range nine (9) east;* thence south to the southeast corner of township nineteen (19) north, range eight (8) east; thence west to the southwest corner of said township nineteen (19) north, range eight (8) east; thence south along the range line between ranges seven (7) and eight (8) east, a distance of four and one-fourth (4¼) miles, more or less, to the southeast corner of the northeast quarter of the northeast quarter (NE¼NE¼) of section twenty-five (25), township eighteen (18) north, range seven (7) east; thence west one-fourth (¼) mile to the southwest corner of said northeast quarter of the northeast quarter (NE¼NE¼) of section

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twenty-five (25); thence north a distance of three-fourths (¾) of a mile, to the northeast corner of the northwest quarter of the southeast quarter (NW¼SE¼) of section twenty-four (24), township eighteen (18) north, range seven (7) east; thence west a distance of three-fourths (¾) of a mile to the quarter (¼) corner on the west boundary of said section twenty-four (24); thence south a distance of four (4) miles, more or less, to the quarter (¼) corner on the west boundary of section twelve (12), township seventeen (17) north, range seven (7) east; thence east a distance of one-half (½) mile to the center of said section twelve (12); thence south one (1) mile to the center of section thirteen (13); township seventeen (17) north, range seven (7) east; thence east one-half (½) mile to the quarter (¼) corner on the east boundary of said section thirteen (13), township seventeen (17) north, range seven (7) east; thence south along the boundary line between ranges seven (7) and eight (8), as corrected by the United States government survey thereof, to the southwest corner of township sixteen (16) north, range eight (8) east; thence east to the southeast corner of said township sixteen (16) north, range eight (8) east; thence south along the boundary line between ranges eight (8) and nine (9) east, as corrected by the United States government survey thereof, *to* the summit of the main range of the Little Belt mountains; thence in a southeasterly direction along the summit of the main range of said Little Belt mountains to the boundary line between ranges ten (10) and eleven (11) east; thence easterly along the divide between the waters of Musselshell river and Judith river to the most easterly point of the Little Belt mountains at Judith Gap; thence east to the southeast corner of section nineteen (19), township eleven (11) north, range sixteen (16) east; thence north along the east boundary of sections nineteen (19), eighteen (18), seven (7), and six (6), in said township eleven (11) north, range sixteen (16) east; to the northeast corner of the southeast quarter of section six (6), in said township eleven (11) north, range sixteen (16) east; thence west to the northwest corner of said southeast quarter of said section six (6) in said township and range; thence north to the southwest corner of the southeast quarter of section nineteen (19), in township twelve (12) north, range sixteen (16) east; thence west to the southeast corner of section twenty-

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three (23), in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of said section twenty-three (23), in township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the southwest quarter of section fourteen (14), in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of said southwest quarter of section fourteen (14), in township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the northeast quarter of section sixteen (16), in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of section sixteen (16) in township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the southwest quarter of the southeast quarter (SW¼SE¼) of section nine (9), in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of the northwest quarter of the southeast quarter (NW¼SE¼) of section four (4), in township twelve (12) north, range fifteen (15) east; thence east to the southeast corner of the southeast quarter of the northwest quarter (SE¼NW¼) of section two (2), in township twelve (12) north, range fifteen (15) east; thence north to the boundary line between townships twelve (12) and thirteen (13) north; thence east along said boundary line between townships twelve (12) and thirteen (13) north, to the southeast corner of section thirty-four (34), in township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of section twenty-seven (27), township thirteen (13) north, range fifteen (15) east; thence east to the southeast corner of the southwest quarter of the southwest quarter (SW¼SW¼) of section twenty-three (23), in township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of the northwest quarter of the northwest quarter (NW¼NW¼) of section twenty-three (23), in township thirteen (13) north, range fifteen (15) east; thence east to the southeast corner of section fourteen (14), township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of said section fourteen (14), in township thirteen (13) north, range fifteen (15) east; thence east to the boundary line between ranges fifteen (15) and sixteen (16) east; thence north along said boundary line to the place of beginning. *The county seat is Stanford, Montana.''*

County seat.

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Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 1, 1951.

CHAPTER 174

An Act Requiring That in All Cases Where the Laws of This State Authorize the Solicitation of Bids or Tenders for Public Works, Improvements or Other Undertakings, or for the Purchase of Goods, Commodities or Property, or for the Procurement of Technical or Special Services on a Bid Basis, or for the Sale and Purchase of Bonds, Debentures, Notes or Any Other Forms of Indebtedness of or for the State of Montana, or for Any Department, Board or Institution Thereof, or for Any County or Municipal Corporation Therein, or for Any Other Public Authority Organized Under the Laws of This State, the Respective Officers Authorized to Solicit Bids or Tenders in Any Case Shall Require That the Bidder Shall Indemnify, and Covenant to Indemnify Any Such Public Authority Against the Failure or Refusal of the Bidder to Enter Into Any Contract Awarded to the Bidder or to Consummate the Purchase of Any Forms of Indebtedness as the Case May Be, and Shall Accompany Any Bid With Security for Performance of such Covenant; Prescribing the Conditions of Such Covenant in Various Cases and Prescribing That Such Bid Security Shall Consist of Either (1) Lawful Money of the United States or (2) of Cashier's Checks, Bank Money Orders, Bank Drafts or Certified Checks in Any Case Drawn and Issued by Banks in the State of Montana, or (3) of a Bid Bond of a Surety Company Authorized to Do Business in the State of Montana, Payable to the Public Authority in Such Amounts as May Be Fixed by Law or by Such Public Authority and Prescribing the Conditions for Forfeiture of Bid Security or the Return Thereof and the Limits of Liability Upon Bid Security.

Be it enacted by the Legislative Assembly of the State of Montana:

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Public authority in solicitation of bids, shall require a covenant of indemnity and security.

Section 1. In all cases where (a) the State of Montana, or any department (including the State Purchasing Department, unless otherwise authorized by express provision of law), institution, board, commission, agency, authority or subordinate jurisdiction thereof, or (b) any county, or other political subdivision of this State, or (c) any municipal corporation or authorized subdivision thereof, or (d) school districts, irrigation districts, or other public authority organized under the laws of the State of Montana (any and all thereof being herein referred to as a "public authority" or "obligee") is authorized by law to solicit bids, tenders or proposals for public works, improvements or undertakings of any kind, or for the purchase of commodities, goods, or property, or for the procurement of technical or special services on a bid basis (exclusive of services on the basis of salaries or wages) or for the sale and purchase of bonds, debentures, notes or any other forms of indebtedness of any such public authority, the respective executive, administrative or other officers of and acting for such public authority shall require, as a condition precedent to considering any such bids, as evidence of good faith on the part of the bidder, and as indemnity for the benefit of such public authority against the failure or refusal of any bidder to enter into any written contract that may be awarded upon and following acceptance of bid, or consummating any sale and purchase of any forms of indebtedness, that any bid shall contain a written covenant of indemnity conditioned as herein prescribed and that the bid shall be accompanied by bid security of the nature herein specified, for the performance of such covenant. The advertisement, request, or solicitation for bids or offers shall distinctly specify that all bidders, offerors, tenderers or contractors shall,

In case of bids other than for purchase of forms of indebtedness — terms of covenant.

(a) in any case where bids are solicited other than for purchase of any forms of indebtedness, expressly covenant in any bid that if the bidder shall be awarded the contract the bidder will, within the time required, as stated in the advertisement or solicitation, enter into a formal contract and give a good and sufficient bond to secure the performance of the terms and conditions of the contract; otherwise, the bidder will pay unto the public authority the difference in money between the amount of the bid of the said bidder and the amount for which

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the public authority legally contracts with another party to perform the work or supply the property, commodities or services, as the case may be, if the latter amount be in excess of the former, but in no event shall the bidder's liability or the liability of the surety of such bidder, exceed the penal sum stated in the solicitation or advertisement for bids, which sum shall be represented by the money posted or stated in the security instrument or bid bond; or

Bids for purchase and sale of forms of indebtedness of public authority — covenant, terms of.

(b) in any case where the bids are solicited for the purchase and sale of any forms of indebtedness of such public authority, expressly covenant that the money or bank instrument accompanying the bid, in the sum specified by the public authority, shall be kept and retained by the public authority as liquidated damages for failure to consummate the purchase of such forms of indebtedness as may be awarded on acceptance of bid, and in compliance with the terms thereof.

Limitation of bidder's liability.

In no event shall the bidder's liability, or the liability of the maker of the security instrument, or the liability on the bid bond exceed the amount specified by the public authority in the solicitation or advertisement for bids, whether the amount shall be posted in money, or be stated as the amount payable in the security instrument, or as the maximum amount payable in the bid bond. The public authority shall distinctly specify in the solicitation or advertisement for bids the penal or other sum fixed by statute to be paid by any bidder failing or refusing as aforesaid, in any case where such sum or sums are fixed by statute for bid security; otherwise, it shall in all cases specify the sum which it may deem reasonably necessary to protect and indemnify the public authority against the failure or refusal of the bidder to enter into the contract, or consummate the purchase of indebtedness, as the case may be.

Forms of security to accompany bid.

In all cases under category (a) the bidder, offeror, or tenderer shall accompany any bid with either (1) lawful moneys of the United States, or (2) with a cashier's check, certified check, bank money order, or bank draft, in any case drawn and issued by a National Banking Association located in the State of Montana, or by any banking corporation incorporated under the Laws of the State of Montana, or (3) a bid bond or bonds executed by a surety

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corporation authorized to do business in the State of Montana; and in all cases under category (b) the bidder shall accompany the bid with the security described in (1) or (2) above. The moneys or, in lieu of moneys, any of such bank instruments or bid bonds shall be payable directly to the public authority soliciting or advertising for bids.

Default of bidder, after acceptance of his bid — Forfeiture of moneys and liability on bid bond.

If, in any instance, one or more bids be accepted, or if a sale of any form of indebtedness is ordered, or if a contract is awarded, any bidder whose bid is accepted and who shall thereafter refuse to enter into and execute the proposed contract, or carry out and consummate the purchase of any form of indebtedness, as stated in the covenant in the bid, and herein, shall absolutely forfeit such moneys or bank instruments to the public authority concerned, and become immediately liable on the bid bond but not in excess of the penal sum therein stated. The moneys or bank instruments or bid bonds, as the case may be, shall be returned to those bidders whose bids are not accepted. The advertisement, request or other solicitation for bids or offers shall distinctly specify that lawful moneys of the United States, or a cashier's check, certified check, bank money order, or bank draft, in any case drawn and issued by banks, as herein specified, payable as aforesaid, or bid bond in any case appropriate therefor, shall constitute compliance with the requirement for bid security. But nothing herein contained shall exclude or be construed to excuse compliance with any other requirements for bonds or other or further security after acceptance of bids or following award of contract, or excuse compliance with any requirements for performance bonds, at any time, as such requirements may be prescribed or authorized by the laws of the State of Montana.

Further security after acceptance of bids or award of contract.

Effective date.

Section 2. This Act shall be in full force and effect from and after its passage and approval by the Governor of the State of Montana.

Approved March 1, 1951.

CHAPTER 175

An Act Authorizing the Consolidation or Merger of Montana Corporations With Other Montana Corporations or With Corporations Organized Under the Laws of Any

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Other State or Territory of the United States; Providing for the Agreement of Such Merger, Meeting of Stockholders for the Adoption of the Same, for the Notice of Method of Holding Such Meetings, for the Service of Processes Upon the Resulting Corporation, the Time When the Existence of Constituent Corporations Shall Cease and That Property Rights and Liabilities Shall Vest in the Surviving Corporation; Providing for The Rights of Objecting Stockholders, That Actions Pending at the Time of Merger Shall Not Be Affected, That Prior Mergers and Consolidations Shall Be Validated; Providing for the Effective Date of This Act, and That This Act Shall Not Amend, Repeal or Modify Any of the Terms and Provisions of Sections 15-1603, 15-1801, 15-1802, 15-1803, 15-1804, 15-1805, 15-1806 or 15-1807 of the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Certain corporations may merge or consolidate.

Section 1. **Certain Corporations May Merge or Consolidate—Agreement for Merger or Consolidation.** Except as otherwise specifically provided by the Constitution or existing laws of the State of Montana any one or more corporations organized under the provisions of the law of this state or existing thereunder, may consolidate or merge with one or more other corporations organized under the laws of this or of any other state or states or territory of the United States of America if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger.

Agreement by constituent corporations, contents of.

The constituent corporations may merge into a single corporation which may be any one of said constituent corporations, or they may consolidate to form a new corporation which may be a corporation of the state of incorporation of any one of said constituent corporations or shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares of the corporation resulting from or surviving such consolidation or merger and such details and provisions as shall be deemed necessary or proper. In case of consoli-

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dation to form a new corporation there shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the laws that shall govern said resulting corporation and that can be stated in the case of a consolidation.

Authorization, adoption, approval of agreement.

Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and in the case of a Montana corporation in the manner provided in Section 2 hereof. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State and a copy of such agreement certified by the Secretary of State under the Great Seal of the State of Montana, shall be filed but need not be recorded in the office of the county clerk of the county in this state wherein such resulting or surviving corporation maintains its principal place of business, if any, and also, in each other county in this state in which such corporation may own real estate, provided, however, that a failure to file such certified copy in the office of any county clerk of any county in this state shall not affect the validity of said merger or consolidation. Said agreement so filed in the office of the secretary of state shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this state and said consolidation or merger shall take effect as of the date of the filing of said agreement with the secretary of state who shall, at the time of such filing, receive a fee of five dollars ($5.00) therefor. A copy of such agreement certified to be such by the secretary of state under the Great Seal of the State of Montana, shall be evidence of such merger or consolidation and of the contents of said agreement.

Filing in office of Secretary of State.

Filing of copy in county or counties.

Fee of Secretary of State.

Meeting of stockholders to be called and agreement submitted to vote.

Section 2. **Meeting of Stockholders to Be Called and Agreement Submitted—Vote Necessary for Adoption—Signing Adopted Agreement.** In the case of a Montana corporation, the proposed agreement of consolidation or merger shall be signed by the trustees or directors or majority of them, or by the stockholders representing a majority of the stock of such corporation under the corporate seal, and such proposed agreement shall be submitted to the stockholders at a meeting thereof called by

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its trustees or directors or by the stockholders representing a majority of the stock by giving public notice of the time and place of holding such meeting and stating that said meeting is called to consider consolidation or merger with one or more other named corporations by publishing the same at least once not more than thirty (30) nor less than ten (10) days prior to the date fixed for said meeting, in a newspaper printed in the county where the principal office of such corporation is located as specified in its articles of incorporation or by-laws, or if there be no such newspaper, then in a newspaper printed in an adjoining county, and by delivering personally to each stockholder, or depositing in the post office at least thirty (30) days before such meeting a copy of said notice addressed to each stockholder, signed by the president or secretary, or having the name of the president or secretary printed thereon stating the time, place and objects of said meeting, provided, however, a waiver of such notice in writing, signed by a stockholder, whether before, at or after the date of such meeting, shall be deemed equivalent to such notice and, in case all of the stockholders of any corporation entering into such agreement shall sign such waivers, no notice of such meeting of stockholders of such corporation need be given in any manner. Each Montana corporation desiring so to consolidate or merge shall vote upon the proposition embodied in said agreement, which shall be presented at said meeting. If at least two-thirds (2/3) of the stock of each Montana corporation severally shall vote in favor of the adoption of said agreement in writing, the fact shall be certified on said agreement by the secretary of each such corporation under the seal thereof, and the agreement so adopted and certified shall be signed by the president and secretary of each such corporation under the corporate seal thereof and acknowledged by the president of each corporation before any officer authorized by the laws of this state to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations.

Notice of time, place and purpose of meeting.

Waiver of notice by stockholders.

Proportion of stock required for adoption of agreement.

Section 3. **Service of Process on Resulting Corporation.** If the corporation resulting or surviving such consolidation or merger is to be governed by the laws of any state other than the laws of this state, it shall agree that it may be served with process in this state in any proceeding for enforcement of any obligation of any constituent corpora-

Service of process on resulting corporation.

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tion of this state, including an amount fixed by appraisers pursuant to Section 5 hereof, and shall irrevocably appoint the secretary of state as its agent to accept service of process in any action for the enforcement of payment of any such obligation, or any amount fixed by appraisers as aforesaid, and shall specify the address to which a copy of such process shall be mailed by the secretary of state. Service of such process shall be made by personally delivering to and leaving with the secretary of state duplicate copies of such process. The secretary of state shall forthwith send by registered mail one (1) of such copies to such resulting or surviving corporation at its address so specified, unless such resulting or surviving corporation shall thereafter have designated in writing to the secretary of state a different address for such purpose, in which case it shall be mailed to the last address so designated. Said agreement shall be in writing, shall be filed with the secretary of state at the time of filing the agreement mentioned in the preceding sections of this Act and whenever the agreement provided for in this Section 3, when required thereby, shall not be so filed, the secretary of state shall refuse to accept the agreement mentioned in Sections 1 and 2 of this Act. For filing the agreement required by this Section 3 the secretary of state shall receive a fee of five dollars ($5.00).

Fee of secretary of state.

When constituent corporations cease.

Section 4. **When Constituent Corporations Cease—Property Rights, Liabilities, Etc., Vest in Surviving Corporation.** When an agreement shall have been signed, acknowledged and filed in the office of the secretary of state as in Sections 1 and 2 of this Act is required, for all purposes of the laws of this state the separate existence of all the constituent corporations, parties to said agreement, or all of such constituent corporations except the one into which the other of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so consolidated or merged, and all and singular, the rights, privileges, power and franchises of each of said corporations, and all property,

Rights, powers and restrictions of the resulting or surviving consolidation.

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real, personal and mixed, and all debts due to any of said constituent corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the several and respective constituent corporations, and the title to any real estate, whether vested by deed or otherwise, under the laws of this state, vested in any of such constituent corporations, shall not revert or be in any way impaired by reason of this statute; provided, however, that all rights of creditors and all liens upon any property of any of said constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Rights of creditors preserved.

Section 5. **Rights of Objecting Stockholders—Notice of Merger.** If any stockholder in any corporation of this state consolidating or merging as aforesaid, who objected thereto in writing, shall within twenty (20) days after the date on which the agreement of consolidation or merger has been filed in the office of the secretary of state, as aforesaid, demand in writing from the corporation resulting from or surviving such consolidation or merger payment of his stock, such resulting or surviving corporation shall, within three (3) months thereafter, pay to him the value of his stock as of the effective date of said consolidation or merger, exclusive of any element of value arising from the expectation or accomplishment of such consolidation or merger, but in no event less than the amount paid by such stockholder for his stock. Notice of the effective date of such merger shall be mailed by ordinary mail to each stockholder of any corporation so merged within five (5) days after said effective merger date. If within thirty (30) days after the date of such written demand the corporation and such stockholder fail to come to an agreement as to such value of such stock, each stockholder may demand an appraisal of his stock by three (3) disinterested persons, one (1) of whom shall be designated by the stockholder, one (1) by the directors

Rights of objecting stockholders.

Appraisal of value of stock of a stockholder.

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of the resulting or surviving corporation and the other by the two (2) designated as aforesaid and such stockholder may serve written notice on such corporation designating therein one appraiser and requiring the corporation to designate a second appraiser within thirty (30) days from the date of service of such notice. If within thirty (30) days from the date of service of such notice the corporation shall have failed to designate a second appraiser or if the two (2) appraisers first designated shall fail to designate a third appraiser within thirty (30) days from the designation of the second appraiser, such stockholder may apply to the district court of the district in which the principal place of business of said corporation is located to designate a second and third appraiser, or a third appraiser, as the case may be. The decision of the appraisers as to such value of such stock shall be final and binding upon the corporation if the value so determined equals or exceeds the amount paid by such stockholder for such stock. In case the value of such stock as so fixed by the appraisers, or the amount paid for such stock by such stockholder whichever is the greater amount, is not paid to such stockholder within sixty (60) days from the date of such decision and of notice thereof given to the corporation, such amount may be collected as other debts are by law collectible from the resulting or surviving corporation. Upon receipt of payment in full for such stock, such stockholder shall transfer his stock to said resulting or surviving corporation, to be disposed of by the directors thereof, or to be retained for the benefit of the remaining stockholders.

Actions pending not affected.

Section 6. **Actions Pending Not Affected.** Any action or proceeding pending by or against any of the corporations consolidated or merged may be prosecuted to judgment, as if such consolidation or merger had not taken place or the corporation resulting from or surviving such consolidation or merger may be substituted in its place.

Prior mergers and consolidations validated.

Section 7. **Prior Mergers and Consolidations Validated.** All mergers and consolidations and attempted mergers and consolidations in the accomplishment of which the provisions of this Act have been substantially followed, are hereby validated and confirmed.

Repealing clause.

Section 8. This Act shall not repeal, amend or modify in any respect, the provisions of Sections 15-1603, 15-1801,

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15-1802, 15-1803, 15-1804, 15-1805, 15-1806 or 15-1807 of the Revised Codes of Montana, 1947.

Section 9. This Act shall be in full force and effect upon its passage and approval. Effective date.

Approved February 28, 1951.

CHAPTER 176

An Act to Amend Section 15-1603 of the Revised Codes of Montana of 1947, Relating to the Consolidation of Mining Corporations, to Include Thereunder Corporations Formed for the Purpose of Mining Ores, Minerals or Similar Substances, or for the Purpose of Operating Plants for Reducing, Milling, Concentrating, Smelting, Converting, Refining, Preparing for Market, or Otherwise Treating Ores, Minerals or Similar Substances; to Authorize Their Consolidation With Corporations Formed Under the Laws of Other States; to Prescribe For, the Procedure to Be Followed, and the Agreement of Consolidation to Be Entered Into, the Approval of Agreement By Stockholders, the Filing and Recording of Such Agreement; and Providing for the Vesting of Property Rights and Liabilities in the Resulting Corporation, and the Service of Process of the Resulting Consolidated Corporation, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 15-1603 of the Revised Codes of Montana of 1947, be, and the same is hereby, amended to read as follows:

"Section 15-1603. **Consolidation of Mining Corporations.** It is lawful for two or more corporations formed under the laws of Montana territory, or of the state, or that may hereafter be formed under the laws of this state for mining *ores, minerals or similar substances, or for the purpose of operating plants for reducing, milling, concentrating, smelting, converting, refining, preparing for market, or otherwise treating ores, minerals or similar substances, or authorized to engage in such business, and organized under the provisions of the law of this state, or* Mining corporations, consolidation or merger of.

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existing thereunder, to consolidate or merge with one or more other like corporations organized under the laws of this or of any other state, or states, or territory of the United States of America, if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger.

"The constituent corporations may merge into a single corporation which may be any one of such constituent corporations, or they may consolidate to form a new corporation, which may be a corporation of the state of incorporation of any one of said constituent corporations as shall be specified in the agreement hereinafter required.

Agreement by constituent corporations, contents of.

All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares or other securities of the corporation resulting from or surviving such consolidation or merger, and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in the certificate of incorporation by the laws of the state which are stated in said agreement to be the laws that shall govern said resulting or surviving corporation, and that can be stated in the case of a consolidation or merger.

Authorization, adoption, approval of agreement.

"Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws of the state under which it is formed. In the case of a Montana corporation the proposed agreement of consolidation or merger shall

Meeting of stockholders to be called and agreement submitted to vote.

be submitted to the stockholders at a meeting thereof called separately for the purpose of taking the same into consideration; and due notice of the time, place and object of such meeting shall be given by publication at least once a week for four (4) successive weeks in one or more newspapers published in the county wherein such corporation either has its principal office or conducts its business,

Notice of meeting.

and a copy of such notice shall be mailed to the last known post-office address of each stockholder of such corporation at least twenty (20) days prior to the date of such meeting, and at said meeting said agreement shall be considered, and a vote by ballot (in person or by proxy) taken for

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the adoption or rejection of the same; and if the votes of stockholders of such corporation representing two-thirds (2/3) of the total number of shares of its capital stock shall be for the adoption of said agreement, then that fact shall be certified on said agreement by the secretary or assistant secretary of such corporation, under the seal thereof; and the agreement so adopted and certified shall be signed by the president or vice president, and secretary or assistant secretary of such corporation, under the corporate seal thereof, and acknowledged by the president or vice president of such corporation before any officer authorized by the laws of this state to make acknowledgments of deed, to be the act, deed and agreement of said corporation; and a copy of said agreement and act of consolidation or merger, duly certified by the secretary of state, under the seal of his office, shall also be recorded in the offices of the recorders of the county of this state in which the corporation so consolidated or merged shall have its original certificate of incorporation recorded. The agreement so authorized, approved, signed and acknowledged and filed and recorded shall thenceforth be taken and deemed to be the act of consolidation or merger of the constituent corporations for all purposes of the laws of this state.

Proportion of stock for adoption of agreement.

Copy to be recorded in the office of the recorder of the county in which its original certificate of incorporation was recorder.

"If the corporation resulting from or surviving such consolidation or merger is to be governed by the laws of any state other than the laws of this state, it shall agree that it may be served with process in this state in any proceeding for enforcement of any obligation of any constituent corporation of this state, as well as for enforcement of any obligation of the resulting or surviving corporation arising from the merger, and shall appoint either an agent in accordance with Section 15-1701 of the Revised Codes of Montana, or the secretary of state, to accept service of process in any action for the enforcement of payment of any such obligation, and if the secretary of state is appointed, such appointment shall specify the address to which a copy of such process shall be mailed by the secretary of state. Service of such process upon the secretary of state shall be made by personally delivering to or leaving with the secretary of state duplicate copies of such process. The secretary of state shall forthwith send by registered mail one of such copies to such resulting or surviving corporation at its address so speci-

If resulting corporation is to be governed by the laws of another state it must agree to accept service of process in Montana as herein provided.

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fied, unless such resulting or surviving corporation shall thereafter have designated in writing to the secretary of state a different address for such purpose, in which case it shall be mailed to the last address so designated.

When constituent corporations cease.

"When an agreement shall have been signed, acknowledged, filed and recorded, as in this section required for all purposes of the laws of this state, the separate existence of all the constituent corporations, parties to said agreement, or of all such constituent corporations, except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease, and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises, as well of a public as of a private nature, and being subject to all of the restrictions, disabilities and duties of each of such corporation so consolidated or merged, and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due to any of said constituent corporations, of whatever account, as well as for stock subscription, as all other things in action or belonging to each of such corporations shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the resulting or surviving corporation as they were of the several and respective constituent corporations, and the title to any real estate vested by deed or otherwise under the laws of this state in any of such constituent corporations shall not revert or be in any way impaired by reason of this section; provided, however, that all rights of creditors, and all liens upon any property of any of said constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it."

Rights, powers and restrictions of resulting corporation.

Rights of creditors preserved.

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 28, 1951.

CHAPTER 177

An Act Separating the Department of Labor and Industry from the Department of Agriculture, Labor and Industry in Compliance With Article XVIII, Section 1 of the Montana Constitution, as Amended; Providing for a Commissioner of Labor and Industry, Fixing His Term of Office and Salary, Fixing the Powers and Duties of the Commissioner of Labor and Industry, Defining Terms Used in This Act, Amending Section 3-109, Revised Codes of Montana, 1947, and Repealing Section 3-1501, Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a department of the government of the State of Montana to be known as the "Department of Labor and Industry." Department of Labor and Industry created.

Section 2. The Department of Labor and Industry shall be administered by a chief executive officer to be known as the Commissioner of Labor and Industry to be appointed by the Governor, subject to the confirmation of the Senate. Commissioner of Labor and Industry.

Section 3. The term of office of the Commissioner of Labor and Industry appointed at this time shall terminate on March 4, 1953; and, the term of office of the Commissioner of Labor and Industry appointed thereafter shall be four (4) years and until his successor is appointed and qualified. The commissioner shall receive an annual salary of five thousand dollars ($5,000.00) payable monthly. Before entering on the duties of his office he must take and subscribe to the Oath of Office prescribed by Section 1, Article XIX of the Montana Constitution and executive an official bond in the amount of one thousand dollars ($1,000.00). Term of office. Salary. Bond.

Section 4. For the purpose of administration the commissioner shall organize the department subject to the approval of the governor, in the manner which he deems Administration of department.

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necessary properly to segregate and conduct the work of the department.

Duty.

Section 5. The Department of Labor and Industry shall be charged with the duty of enforcing all the laws of Montana relating to hours of labor, conditions of labor, prosecution of employers who default in payment of wages, protection of employees, all laws relating to child labor regulating the employment of children in any manner, and to administer the laws of the state relating to free employment offices.

Designation of "Commissioner of Agriculture, Labor and Industry" — application or meaning of.

Section 6. In order to carry out the constitutional mandate in Section 1 of Article XVIII of the Montana Constitution that there shall be separate Departments of Agriculture and of Labor and Industry which shall be under control of separate commissioners, and in order to prevent confusion in the designation of the commissioners in charge of the separate departments, (a) the title "Commissioner of Agriculture, Labor and Industry" in the following Sections of the Revised Codes of Montana of 1947, refers to the Commissioner of Agriculture: Sections 3-101, 3-102, 3-107, 3-108, 3-110, 3-115, 3-402, 3-502, 3-509, 3-601, 3-805, 3-1101, 3-1801, 3-1805, 3-1906, 3-2003, 3-2010, 3-2104, 3-2106, 3-2401, 3-2402, 3-2403, 3-2404, 3-2413, 3-2418, 3-2456, 3-2457, 3-2459, 3-2460, 3-2471, 66-1901, 84-3006, 84-3008, 84-3011, and in Sections 6, 8, 9, 10, 14, 15, 16, 17 and 19 of Chapter 138, Laws of Montana, 1949; and (b) the title "Commissioner of Agriculture, Labor and Industry" and the title "Commissioner of Agriculture" as used in the following Sections refers to the "Commissioner of Labor and Industry" created by this Act: Sections 3-1502, 3-1503, 3-1504, 41-1201, 41-1202, 92-104.

Amendment of Sec. 3-109, Rev. Codes, 1947.

Section 7. Section 3-109, Revised Codes of Montana, 1947, is amended by eliminating the provision for the Division of Labor and Publicity so that as amended the Section will read as follows:

Department of Agriculture, divisions defined.

"3-109. (3563) **Divisions Defined.** There shall be *three* main divisions of the Department of Agriculture, to-wit:

'The Division of Farming and Dairying.'

'The Division of Grain Standards and Marketing.'

'The Division of Horticulture.'

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"The divisions hereby created are intended for the sole purpose of promoting the logical and convenient classification of the work of the department, and nothing herein contained shall be deemed to prevent any person engaged in the work of a particular division from performing the work of another division; the commissioner may likewise create additional divisions at his discretion."

Certain functions transferred to Department of Labor and Industry.

Section 8. The duties, powers and functions placed by the Revised Codes of Montana, 1947, in the Division of Labor and Publicity of the Department of Agriculture, Labor and Industry are hereby transferred to the Department of Labor and Industry.

Annual report by commissioner.

Section 9. The commissioner shall collect, assort and arrange, systematize and present in an annual report to the governor, on or before the first day of December in each year, statistical details relating to the Department of Labor and Industry in the State of Montana.

Publication of reports.

Section 10. The annual reports of the commissioner shall be combined in one volume and published biennially and shall contain such statistical and descriptive matter as shall be approved by the State Board of Examiners.

Records and equipment transferred.

Section 11. All books, papers, records and reports of the Division of Labor and Publicity shall be turned over to the Department of Labor and Industry which shall be the legal successor of the Division of Labor to carry out any of the contracts, complete any business or prosecute or defend any suits heretofore entered into or instituted. The office furniture, equipment and supplies inventoried to the Division of Labor and the other agencies incorporated into the Department of Labor and Industry shall be turned over to the Department of Labor and Industry for the continued use of those agencies. All funds appropriated for the use of the Division of Labor or for the use of the other agencies being incorporated into the Department of Labor and Industry shall be transferred to the Department of Labor and Industry for the same use during the remainder of the biennium.

Funds transferred.

Intent and purpose of Act.

Section 12. It is the legislative intent in enacting this bill that the provisions of Chapter 6, Laws of Montana in 1949, as approved by the people of Montana at the general election on November 7, 1950, amending Section 1 of

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Article XVIII of the Montana Constitution be made effective. The purpose of this act is to separate the powers, functions and duties of the present Department of Agriculture, Labor and Industry into two separate departments under two separate commissioners as prescribed by the above mentioned constitutional amendment. Except as specifically provided herein, it is not intended to change, amend or vary any of the laws herein mentioned except to separate the powers heretofore granted the Commissioner of Agriculture, Labor and Industry and allocate the duties now prescribed by statute to the separate Departments of Agriculture and of Labor and Industry, and the two commissioners in charge. This Act shall not be construed to enlarge or diminish or in any way alter present laws except as specifically herein provided.

Repealing clause.

Section 13. Section 3-1501, Revised Codes of Montana, 1947, is hereby repealed.

Effective date.

Section 14. This Act shall be in full force and effect from and after March 4, 1951.

Approved March 1, 1951.

CHAPTER 178

An Act to Amend Section 84-301 of the Revised Codes of Montana, 1947, Relating to the Classification of Property for Taxation.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-301, Rev. Codes, 1947.

Section 1. That Section 84-301 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Classification of taxable property.

"Section 84-301. For the purpose of taxation the taxable property in the state shall be classified as follows:

Annual net proceeds of mines.

"Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by section 84-5403; also where the right to enter upon land, to explore or prospect, or dig for oil, gas, coal or mineral is reserved in land by any person or corporation, the surface title to which has passed to another, the assessor and the state and county boards of

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equalization shall determine the value of the right to enter upon said tract of land for the purpose of digging, exploring or prospecting for gas, oil, coal or minerals, and the same shall be placed in this classification for the purpose of taxation.

"Class Two. All household goods and furniture, including clocks, musical instruments, sewing machines, wearing apparel of members of the family, and all personal property actually used by the owner for personal and domestic purposes, or for the furnishing or equipment of the family residence; all agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds, boats and all water craft, harness, saddlery and robes.

Household goods and furniture.

"Class Three. Livestock, poultry and *the unprocessed products of both;* stocks of merchandise of all sorts, together with furniture and fixtures used therewith; and all office or hotel furniture and fixtures.

Livestock, poultry, merchandise.

"Class Four. All land, town and city lots, with improvements, manufacturing and mining machinery, fixtures and supplies, except as otherwise provided by the constitution of Montana, *and except as such property may be included in class five.*

Land and improvements.

"Class Five. (a) All moneys and credits, secured or unsecured, including all state, county, school district and other municipal bonds, warrants and securities, without any deduction or offset; provided, however, that the terms "moneys and credits" as herein used shall not embrace the moneyed capital employed in the banking business by any banking corporation or individual in this state.

Moneys and credits.

"(b) All poles, lines, transformers, transformer stations, meters, tools, improvements, machinery and other property used and owned by co-operative rural electrical associations organized under the laws of Montana.

Property of co-operative rural electrical associations.

"(c) All unprocessed agricultural products either on the farm or in storage, irrespective of whether said products are owned by the elevator, warehouse or flour mill owner or company storing the same, or any other person whomsoever, and excepting livestock and poultry and the unprocessed products of both.

Unprocessed agricultural products.

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Industrial property.

"(d) Industrial property included in class four, for a period of three years after such property is first assessed. Industrial property for the purposes of this act shall not be construed to include agricultural or commercial property.

Shares of stock of national banking associations and moneyed capital employed in banking business.

"Class Six. The shares of stock of national banking associations and the moneyed capital employed in conducting a banking business by any other banking corporation, association or individual in this state. Such money ascertained by deducting from the moneys and credits of such banking corporation, association or individual, the amount of the deposits and any indebtedness representing money borrowed for use in said business, and the value of the shares of any national banking association, to be ascertained by deducting the value of all real estate of such association.

"Class Seven. All property not included in the six preceding classes."

Separability of act.

Section 2. If any of the provisions of this act are held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared to be severable.

Effective date.

Section 3. This act shall be in full force from and after its passage and approval.

Approved March 1, 1951.

CHAPTER 179

An Act to Amend Section 16-1122, Revised Codes of Montana of 1947, Validating All Royalty and Mineral Reservations Heretofore Made by Counties, and Authorizing County Commissioners to Exchange Such Reserved Mineral Interests for Royalty.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 16-1122, Rev. Codes, 1947.

Section 1. That Section 16-1122, of the Revised Codes of Montana of 1947, be, and the same hereby is amended to read as follows:

"16-1122. **Validation of Mineral Reservations Hereto-**

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fore Made by Counties. All mineral reservations *and all royalty reservations* heretofore made by counties in this state *in conveyances of real property* whether the same are of a less or greater percentage *or are different than was authorized or required by law at the time such reservations were made,* and all agreements in connection with such reservations, heretofore made, are hereby ratified, confirmed and validated."

Validation of mineral and royalty reservations heretofore made by counties.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 1, 1951.

CHAPTER 180

An Act to Amend Section 75-3901 of the Revised Codes of Montana, 1947, Authorizing the Boards of Trustees of School Districts to Issue Coupon Bonds for the Purpose of Constructing or Acquiring Teacherages and for the Purpose of Purchasing a School Bus or Busses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 75-3901 of the Revised Codes of Montana, 1947, is hereby amended to read:

Amendment of Sec. 75-3901, Rev. Codes, 1947.

"75-3901. **Board of Trustees of School Districts May Issue Coupon Bonds for Certain Purposes.** The board of trustees of any school district within this state is hereby vested with the power and authority to issue and negotiate coupon bonds on the credit of the school district for any one or more of the following purposes:

Board of trustees of school districts may issue coupon bonds, for what purposes.

"(a) For the purpose of building, enlarging, altering, repairing, or acquiring by purchase one or more school houses in said district; furnishing and equipping the same, and purchasing the necessary lands therefor.

"(b) For the purpose of constructing or acquiring by purchasing one or more teacherages in said district, furnishing and equipping the same, and purchasing the necessary lands therefor.

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"(c) For the purpose of constructing or acquiring by purchasing one or more dormitories in said district, furnishing and equipping the same, and purchasing the necessary lands therefor.

"(d) For the purpose of constructing or acquiring by purchasing one or more gymnasiums in said district, furnishing and equipping the same, and purchasing the necessary lands therefor.

"(e) For the purpose of securing a water supply for the use of one or more of the schools of the district.

"(f) For the purpose of providing the necessary funds to pay the indebtedness duly apportioned to the school district upon its creation from territory formerly belonging to another district or districts, and represented by outstanding warrants or otherwise, or upon its separation from another district or districts, or upon the rearrangement of the boundary line or lines between such district and another district or districts.

"(g) For the purpose of providing the necessary funds to pay and redeem optional or redeemable bonds when it is deemed to be for the best interests of the school district to issue refunding bonds, or for the purpose of providing the necessary funds to pay and redeem matured or maturing bonds when there are not sufficient funds available for the payment and redemption thereof.

"(h) For the purpose of purchasing a school bus or busses."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1951.

CHAPTER 181

An Act to Amend Section 91-4405 of the Revised Codes of Montana, 1947, Relating to Joint Estates, Government Bonds, Tenants by the Entirety, Joint Bank Accounts, and Similarly Held Property; and Repealing All Acts or Parts of Acts in Conflict Herewith; But Providing That This Act Shall Not Repeal or Modify the Pro-

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visions of Section 91-4402 of the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 91-4405, Rev. Codes, 1947.

Section 1. That Section 91-4405 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Joint estates, government bonds, joint bank accounts other property held in joint tenancy as tenancy by the entirety, how taxed.

"Section 91-4405. **Joint Estates,** *Government Bonds, Tenants by the Entirety, Joint Bank Accounts, and Similarly Held Property. Whenever any property, however acquired, real or personal, tangible or intangible, including government bonds of the United States, inscribed in co-ownership form, or held in joint tenancy by two or more persons, or as tenants by the entirety, or is deposited in any bank or other depositary in the joint names of two or more persons and payable to the survivor or survivors of them upon the death of one of them, the right of the survivor or survivors to the immediate possession or ownership is a taxable transfer. The tax is upon the transfer of decedent's interest, one-half or other proper fraction, as evidenced by the written instrument creating the same, as though the property to which the transfer relates belonged to the joint tenants, tenants by the entirety, joint depositors, holders in co-ownership form, or persons, as tenants in common, and had been, for inheritance tax purposes, bequeathed or devised to the survivor or survivors by will, except such part thereof as may be shown to have originally belonged to the survivor and never to have belonged to the decedent. This section shall not be construed to repeal or modify the provisions of Section 91-4402, Revised Codes of Montana, 1947."*

Repealing clause.

Section 2. That all acts or parts of acts in conflict herewith, except as provided in this act, are hereby repealed.

Effective date.

Section 3. That this act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1951.

CHAPTER 182

An Act to Amend Section 17, Chapter 199, Session Laws

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of 1949, Section 75-1816, 75-1817, 75-4534, 75-4535 of the Revised Codes of Montana, 1947, Relating to the Distribution of Money Available to Districts, the Formula for Apportionment of County Funds, and Procedures on Budgeting and Levying for Joint School Districts, to Provide for the Use of Cash Balances, to Provide for Budgets and Levies in Joint School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 17, Chapter 199, Session Laws of 1949, be, and the same is hereby amended to read as follows:

"Section 17. **Distribution of Money Available to Districts—Formula for Apportionment of County Funds.** After the deduction of transportation reimbursements provided by law, the proceeds of the county ten (10) mill common school levy and the proceeds of the county ten (10) mill special tax for high schools, shall each be separately distributed by the county superintendent to the respective districts in the county, and the county high school if there be one, in proportion to their needs under the foundation financial program. In all cases in which the proceeds of such county levy and the five (5) mill tax for elementary schools provided for in section 10 hereof, when added to all other funds available to the respective districts from the permanent school fund, payments by the federal government for Indian tuition, and all payments by it or any of its agencies in lieu of taxes, and other funds which must be used in support of the foundation financial program are insufficient to finance the foundation financial program, the proceeds of the county common school levy and the proceeds of the county special tax for high schools shall each be separately distributed in accordance with the following procedure; *provided, however, that cash balances to the credit of the district at the end of the school year, after authorized reserves have been subtracted as well as outstanding warrants, shall be used by the district to reduce the levies on the district for the general fund after the uniform district levy and county and state equalization aid have been received:*

Distribution of money available to districts.

Formula for apportionment of county funds.

"1. Determine the ratio that the total funds available to all districts in the county in support of the foundation program (including proceeds of the county levy) bears

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to the total costs of the foundation program for all such districts.

"2. Determine the ratio that the total funds available to each district in support of the foundation program (excluding all proceeds of the county levy) bears to the cost of the foundation program of each such district.

"3. Districts in which the ratio as determined in (2) above exceeds the ratio in (1) above shall not be entitled to distribution of county funds but shall be excluded from further consideration under this section.

"4. After elimination of districts referred to in (3) above, determine the ratio that the total funds available to all remaining districts in the county in support of the foundation program (including proceeds of the county levy) bears to the total cost of the foundation program of all such remaining districts. Each remaining district shall then be entitled to distribution of funds from the county levy, which, when added to all other funds available to such district in support of the foundation program shall be sufficient to finance such proportionate part of its foundation program.

Joint school districts.

"For the purpose of determining levies in a joint school district maintaining a high school, the total cost of the general fund and other budgets of such joint districts shall be divided in the ratio which the number of pupils in the joint district residing in the county bears to the total ANB of the joint district. Such resulting high school budgets shall be considered as separate budgets for high school purposes of the respective counties involved, receiving a part of the ten (10) mill levy, state equalization aid and additional moneys on either the high school district or the part of the joint school district involved as any other high school of the county.

Elementary budgets in joint school districts.

"For elementary budgets in a joint school district the total cost of the foundation program for such joint school district shall be divided in the ratio which the number of pupils in the joint district residing in the county bears to the total ANB of the joint district. Each part of such budget so divided shall be treated as a separate budget for such part of the joint district and one of the school districts of the county for the purpose of apportioning proceeds of the county levy. The resulting amount shall

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be used as the foundation financial program requirement of the joint district for the apportionment of the county levy. The balance of the budget over the foundation program, plus any deficiency in the state equalization payment on the foundation program, shall be an obligation of all parts of the joint school district and the levy for this amount shall be determined by dividing the amount required by the total taxable valuation of the entire joint school district.''

Amendment of Sec. 75-1816, Rev. Codes, 1947.

Section 2. That Section 75-1816 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Determination of levy in joint school districts.

''Section 75-1816. **Determination of Levy in Joint School Districts.** The board of school trustees of each joint school district, at the time of certifying to the boards of county commissioners the amount of money needed by such joint school district, and which is to be raised by a special tax levy for the general fund of the joint school district, for bond sinking and interest funds, and for each other fund for which a special tax levy may be made, shall also deliver or transmit a copy of such certificate, or certificates, to the county superintendent of schools of each county in which any part of such joint school district is situated. The county superintendents of all such counties must, either by correspondence, meetings, or in some other manner, ascertain and determine the number of mills which should be levied in such joint school district for each fund for which a levy is to be made. After ascertaining and determining the number of mills which should be levied for each such fund, in the manner herein provided, all such county superintendents of schools shall make and sign a joint statement, addressed to the board of county commissioners of each county in which a part of the joint school district is situated, setting forth the number of mills which should be levied for each fund, as so ascertained and determined by such county superintendents, by the boards of county commissioners of such counties, and shall deliver or transmit one copy of such statement to each such board of county commissioners not later than the Saturday immediately preceding the second Monday in August.''

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Amendment of Sec. 75-1817, Rev. Codes, 1947.

Section 3. That Section 75-1817 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 75-1817. **Levy of Tax in Joint School Districts.** At the time of fixing the tax levies for county and school purposes the board of county commissioners of each county in which any part of the joint school district is situated, shall fix the tax levy for each fund for such joint school district at the number of mills for each such levy recommended by such superintendent of schools in such joint statement."

Levy of tax in joint school districts.

Amendment of Sec. 75-4534, Rev. Codes, 1947.

Section 4. That Section 75-4534 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 75-4534. **Determination of Amount of Budget in Joint Districts—Apportionment.** As soon as the preliminary high school budget for a joint district is filed with a county superintendent of schools such superintendent shall ascertain and determine the total number of high school pupils residing within such district eligible for ascertaining the maximum amount for which such district may budget for high school purposes, as provided in Section *3, Chapter 199, Session Laws, 1949,* and the total number of such pupils residing in each county in which any part of the joint district is situated. The county superintendent shall then apportion *the total of all budgets of such high school between such counties in proportion to the number of such high school pupils residing in such county, and shall enter on such preliminary high school budget of the joint district a certificate reciting such facts, following the procedure outlined in Chapter 199, Laws of 1949, as amended.*"

Determination of amount of budget in joint districts.

Apportionment.

Amendment of Sec. 75-4535, Rev. Codes, 1947.

Section 5. That Section 75-4535 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 75-4535. **Apportionment Between Counties of Tax for Joint Districts.** The board of county commissioners designated to perform the duties imposed by this act in connection with the high school budget of a joint district, when the high school budget for such district as finally approved and adopted has been laid before such

Apportionment between counties of tax for joint districts.

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board, shall apportion the amount shown in the summary attached thereto to be raised by the special high school tax levy for high school maintenance purposes in such joint district, between the counties in which the joint district is situated, in proportion to the number of eligible high school pupils of the district residing in each county as shown by the certificate of the county superintendent of schools attached to such budget, and in determining the amount to be raised for maintenance of all high schools in the county by the special high school tax levy, shall include the amount apportioned to such county for such joint school district. The county superintendent of each other county shall, at the time the high school budgets for such county, as finally approved and adopted, are laid before the board of county commissioners of such county include all such certificates received from the county superintendents of other counties, and the amount apportioned to such county in such certificates shall be deemed the high school budgets for such joint districts within such county, and the board of county commissioners in determining the amount to be raised by the special high school tax levy for the maintenance of all high schools in such county, shall include the amounts apportioned to such county for such joint school districts as shown by such certificates. In the event a *ten (10)* mill tax levy will not produce the amount required for high school maintenance purposes in any county in which any part of a joint district is situated, then *the balance needed after deducting any local receipts, and county and state equalization aid, shall be raised by a levy on the high school district of which the joint district is a part, or if there be none, on the common school district.*"

Repealing clause.

Section 6. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after the first day of July, 1951.

Approved March 1, 1951.

CHAPTER 183

An Act to Amend Section 1 of Chapter 243 of the Laws of Montana of 1947, Appearing as Section 4-104 to Section

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4-108 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 140 of the Laws of Montana of 1949, Relating to Salaries of State Liquor Store Vendors and Other Employees of State Liquor Stores and Other Employees of the Liquor Control Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sections 4-104 to 4-108, Rev. Codes, 1947, as amended.

Section 1. That Section 1 of Chapter 243 of the Laws of Montana of 1947, appearing as Sections 4-104 to 4-108 of the Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 140 of the Laws of Montana of 1949, be, and the same is hereby amended to read as follows:

Membership of Montana Liquor Control Board.

"The 'Montana liquor control board' shall consist of three (3) members not more than two (2) of whom shall be the same political party to be appointed by the governor, with the advice and consent of the senate, and each of said members shall have been a resident of the State of Montana for a period of five (5) years and a citizen of the United States and of the State of Montana. Each member of the Montana liquor control board shall hold office for a term of four (4) years and until his successor is appointed and qualified, provided, however, that in the appointment of the members of the first board to be appointed, under the terms of this act, one (1) of such members shall be appointed to hold office for a term of two (2) years, and two (2) of such members shall be appointed to hold office for a term of four (4) years; and provided, further, that the members of said board may be removed from office at any time by the governor, for cause. The governor shall designate the term of service of each member first appointed, so that the term of one (1) shall end March 1, 1939, and the term of two (2) shall expire March 1, 1941. Each succeeding member shall hold his office for a term of four (4) years and until his successor shall be appointed and shall have qualified. Succeeding appointments, except when made to fill a vacancy, shall be made on or before the 31st day of January during the biennial session of the legislature, next preceding the commencement of the term for which the appointment is made; provided, that the governor shall nominate and transmit to the state senate the names of the first members of the said board, on or before the 3rd day of March, 1937. Each of the members of the Mon-

Qualifications.

Term of office.

Removal for cause.

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Composition.

tana liquor control board shall receive, as compensation for his official services, the sum of ten dollars ($10.00) per diem for each day actually engaged in the duties of his office, including his time of travel between his home and place of employment of such duties, provided, however, that the maximum amount each member of commission shall receive for per diem shall not exceed one thousand dollars ($1.000.00) per annum, together with the traveling expenses while away from home in the performance of the duties of his office. The board shall hold its meetings at the city of Helena or at such other places as may be designated by the board. The board shall choose one (1) of its own members as chairman, and shall appoint a state liquor administrator, who shall not be a member of the board and who shall be ex-officio the secretary of the board. The board may also, in its discretion, appoint an assistant state liquor administrator and other employees. Each member of the board shall take and file the constitutional oath of office before entering the performance of his duties, and he shall give bond conditioned for the faithful performance of his duties, in the sum of twenty-five thousand dollars ($25,000.00). A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall have the powers and duties herein specified and the administration of the state liquor control act of Montana and the Montana beer act, including the general control, management and supervision of all state liquor stores, but the board is authorized to delegate to the state liquor administrator the general control, management and supervision of all state liquor stores, including the power to purchase supplies for same and the power to hire and discharge employees of the board, subject, however, to such regulations and restrictions as the board may impose upon the state liquor administrator.

Meetings.

State liquor administrator.

Oath of office.

Bond.

Powers and duties of board.

Salaries of employees.

The board shall fix the following salaries of its employees at such sums as it deems advisable, to-wit: The salary of the state liquor administrator in a sum not exceeding *six thousand dollars ($6.000.00)* per year; the salary of the assistant state liquor administrator in a sum not exceeding the sum of *five thousand dollars ($5,000.00)* per annum; the salary of the chief accountant not exceeding the sum of *five thousand dollars ($5.000.00)* per an-

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num; *the salary of the I. B. M. office superintendent not exceeding the sum of four thousand two hundred dollars ($4,200.00) per annum;* the salary of a vendor of a 'class A' store in the sum not exceeding *four thousand two hundred dollars ($4,200.00)* per annum; the salary of any other employee of a 'class A' store in a sum not exceeding the sum of *three thousand three hundred dollars ($3,300.00)* per annum; the salary of a vendor of a 'class B' store in a sum not exceeding *three thousand six hundred dollars ($3,600.00)* per annum; the salary of any other employee of a 'class B' store in a sum not exceeding the sum of *three thousand dollars ($3,000.00)* per annum; the salary or compensation of a vendor of a 'class C' store in a sum not exceeding *three thousand three hundred dollars ($3,300.00)* per annum; the salary of any other employee of a 'class C' store in a sum not exceeding the sum of *two thousand eight hundred dollars ($2,800.00)* per annum; the salary of any other employee of the board in a sum not exceeding the salary of the sum of *three thousand nine hundred dollars ($3,900.00)* per year. The volume of the individual sales shall be taken into consideration in fixing the salary of store vendors, assistant vendors and employees.

Salaries of vendors.

Other employees.

The assistant state liquor administrator shall exercise such powers and perform such duties in the administration of the state liquor control act and Montana beer act as the board may prescribe.''

Assistant state liquor administrator.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 1, 1951.

CHAPTER 184

An Act to Amend Section 26-901, 26-902, 26-904, 26-905 and 26-906 of the Revised Codes of Montana, 1947, as Amended by Chapter 173 Laws of 1949 Relating to the Licensing of Guides and Outfitters, Penalty for Acting as a Guide or Outfitter Without a License, Defining Guide and Outfitter, Requiring All Guides and Outfitters to Keep Records and Submit an Annual Report to the State Fish and Game Warden, Providing That the Guides and Outfitters Are Equally Responsible

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With Others for Violation of the Laws, Providing for the Report of Violations; and to Repeal Section 26-903 of the Revised Codes of Montana, 1947, Defining a Guide; Providing for a Date When This Act Shall Become Effective and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 26-901, Rev. Codes, 1947, as amended.

Section 1. Section 26-901 of the Revised Codes of Montana, 1947, as amended by Chapter 173, Laws of 1949, be, and the same is hereby amended to read as follows:

Guide and outfitter licenses.

"Section 26-901. *Guides and* **Outfitters License—Qualifications—Bonds—Penalty for Violation of This Act.** It shall be unlawful for any person or persons, company or corporation to engage in the business of *guiding or* outfitting without such person, persons, company or corporation having first obtained *a guide's or* outfitter's license from the state fish and game warden.

Qualifications of guide and outfitter.

Each *guide and* outfitter shall be a financially responsible citizen of the United States, a bona fide resident of the State of Montana, and possess proper equipment for the protection and convenience of his guests. Before issuing any outfitter's *or guide's* license, the warden shall be satisfied that the applicant therefor shall possess the necessary ability, experience and equipment. He may refuse a license to any such applicant who is not qualified in the opinion of the state fish and game warden.

Application.

Before the issuance of a license to any *guide or* outfitter, the applicant therefor shall file a written application with the state fish and game warden and said application shall be signed and sworn to by the applicant and endorsed by the recommendation of three resident real property owners of the county in which the applicant lives, stating in detail the name, address, property owned and used in said business by such applicant, his citizenship and such other facts as may be required to fully inform the warden of the ability of the applicant to comply with this act, and the rules and regulations of the state fish and game commission.

Surety bond.

Said applicant for a *guide's and* outfitter's license shall file in the office of the state fish and game commission a

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corporate surety bond executed to the State of Montana in the penal sum of one thousand dollars ($1,000.00) conditioned upon the faithful performance on the part of the outfitter, his agents or employees, and in compliance with the provisions of the laws of the State of Montana, and the rules and regulations of the commission, and upon payment of a fee of ten dollars ($10.00) shall receive an outfitter's *and guide's* license. The residential requirements herein provided for procuring a guide's *or outfitter's* license are hereby waived for the citizens of any state or states to the same extent that the home state of the applicant waives such residential requirements for the citizens of the State of Montana, providing that such waiver shall extend only to counties bordering on a state adjacent to the State of Montana."

Amendment of Sec. 26-902, Rev. Codes, 1947, as amended.

Section 2. Section 26-902 of the Revised Codes of Montana, 1947, as amended by Chapter 173, Laws of 1949, be, and the same is hereby amended to read as follows:

Penalty for violation of act.

"Section 26-902. **Penalty for Violation of This Act.** Any person who shall act as *a guide or* outfitter without a license as the term 'outfitter' *or 'guide'* is commonly understood, or any outfitter or any guide who shall wilfully fail to report any violation committed by any person or persons employing him as a guide or outfitter, or who shall be found guilty of a violation of the fish and game laws, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided for in Section 3706 of the Revised Codes of Montana, 1935, and in addition, when any guide or outfitter *or agent or employee* shall be found guilty of a violation of the fish and game laws, or rules and regulations of the commission, said license heretofore issued shall be revoked at the discretion of the warden for a period of not less than two (2) years, nor more than five (5) years."

Amendment of Sec. 26-904, Rev. Codes, 1947, as amended.

Section 3. Section 26-904, of the Revised Codes of Montana, 1947, as amended by Chapter 173, Laws of 1949, be, and the same is hereby amended to read as follows:

Who deemed a guide and outfitter.

"Section 26-904. **Who Deemed** *a Guide* **and Outfitter.** For the purpose of this act, the word *'guide' and* 'outfitter' shall mean any person or persons who shall engage in the business of outfitting for hunting or fishing parties, as the term is commonly understood, or any person, persons

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or agent of a domestic corporation who is operating in this state from a temporary or permanent camp, private or public lodge, private or incorporated home, who shall for pay provide any saddle or pack animal or animals, vehicles, or other conveyance *excepting boats* for any person or persons to hunt, trap, capture, take or kill any game birds *or who shall for pay accompany any person or persons in any floating craft for the purpose of catching fish;* or any person who shall accompany hunting or fishing parties as a guide or any person or persons in the employ of *a duly licensed guide or* outfitter who shall for pay accompany any person or persons in any floating craft for the purpose of catching fish, or who shall for pay, aid or assist any person or persons in locating, pursuing, or taking of any game animal or game bird shall be considered a guide *and outfitter* and shall be subject to the requirements of this act. No guide *or outfitter* is authorized to shoot, kill or attempt to shoot, kill or take fish or game for those employing him. This act shall not apply to a person or to persons not engaged in the business of an outfitter who renders to another an occasional accommodative service in the furnishing of saddle or pack animals, boats or other conveyance to a hunter or a fisherman; *providing further that the license requirements of this act shall not apply to any person or persons in the employ of a duly licensed guide or outfitter.''*

Guide or outfitter forbidden to take fish or shoot game for employers.

Proviso: employee of guide or outfitter.

Amendment of Sec. 26-905, Rev. Codes, 1947, as amended.

Section 4. Section 26-905 of the Revised Codes of Montana, 1947, as amended by Chapter 173, Laws of 1949, be, and the same is hereby amended to read as follows:

''Section 26-905. **Statement to Game Warden by Guides and Outfitters—Revocation of License for Failure to Keep Record or Make Report.**

Statement to game warden by guides and outfitters.

Whenever an outfitter or guide is employed by any person or party, such outfitter or guide shall keep a record showing the name, address, license number, dates employed by each person and the number of each kind of game killed or amount of fish taken. Such information contained in the record shall be made available at any time upon request of the state fish and game warden or his deputies, and annually on January 15, each outfitter or guide shall submit a report to the state fish and game warden giving the total number of persons employing him as a guide,

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the number and species of game killed, and the amount of fish which were taken. Failure on the part of any guide or outfitter to comply with the provisions of this act shall be sufficient cause for revocation of a guide's license or outfitter's license by the commission.

Amendment of Sec. 26-906, Rev. Codes, 1947, as amended.

Section 5. Section 26-906 of the Revised Codes of Montana, 1947, as amended by Chapter 173, Laws of 1949, be, and the same is hereby amended to read as follows:

Guides and outfitters, responsibility of.

"Section 26-906. **Guides and Outfitters Equally Responsible With Others for Violations of Law—Must Report Violations.** Any person acting as guide or outfitter *or any agent or employee of a guide and outfitter* shall be equally responsible *with any person or party employing them as guide or outfitter for* any violation of the law; any such guide or outfitter who shall wilfully fail or refuse to report any violation of the law, by the said person or party employing him, shall be liable to the penalties as herein provided."

Repeal of Sec. 26-903, Rev. Codes, 1947, as amended.

Section 6. That Section 26-903 of the Revised Codes of Montana, 1947, as amended by Chapter 173, Laws of 1949, be, and the same is hereby repealed.

Effective date.

Section 7. That this act shall be in full force and effect on May 1, 1951.

Section 8. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1951.

CHAPTER 185

An Act Relating to the Reorganization and Consolidation of the Government of the State of Montana; Declaring the Purposes of This Act; Creating the Commission on Reorganization of State Government and Prescribing the Powers and Duties of Said Commission and Appropriating Funds for the Expenses Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. It is the purpose of this act to provide for a thorough, complete and constructive study and review of

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the entire organization and structure of state government in Montana and of every department, institution, board and other agency of the state government and the functions thereof for the purpose of developing and recommending a program of improvement and economy which will promote efficiency in the operation of state government; to review and analyze the various activities, functions, departments and boards of the state government and recommend the consolidation, reorganization or abolishment of those not deemed essential to the welfare of the people of the state.

Commission on reorganization of state government created.

Section 2. There is hereby created a commission on reorganization of state government to be composed of four members of the House of Representatives who shall be appointed by the Speaker of the House of Representatives, no more than two of whom shall of the same political party, and four members of the State Senate who shall be appointed by the Committee on Committees of the State Senate, no more than two of whom shall be of the same political party. The members of the commission shall be appointed within fifteen days after the passage and approval of this act.

Members and appointment of.

Organization of commission.

Section 3. The commission shall organize within thirty days after the passage and approval of this act by electing one of its members chairman and by electing such other officers from among its membership as the commission may deem desirable. The commission is empowered to adopt rules of procedure and to make all arrangements for its meetings and to carry out the purposes for which it is created. The commission shall keep accurate records of its activities and proceedings.

Employment of executive director and other personnel.

Section 4. The commission may employ an executive director and such other personnel, not members of the commission, as it deems necessary to assist in the preparation of its recommendations, statistics, proposed legislative acts and any other of its activities and shall fix the compensation of such employees. All members of the commission shall receive actual traveling and other expenses incurred in the discharge of their duties, including attendance at meetings. The commission may delegate to an executive committee or committees or subcommittees consisting of its own members any authority, responsi-

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bility or duties deemed appropriate and necessary for efficient operation. All expenses of the commission shall be paid from the moneys appropriated or otherwise obtained as hereinafter provided in the usual manner of payment of claims against the state.

Hearings and investigations.

Section 5. The commission is empowered to hold public hearings and to make such investigations and surveys as it deems desirable. All departments, institutions, agencies, boards and divisions of the state government shall make available without charge the service of their personnel, as well as records, statistics and data necessary or convenient to fulfill the purpose of this act. The commission shall make use of such information regarding reorganization plans, programs and recommendations of this state and of other states and of the United States and of other public or private agencies as may be available without cost to the state.

Report of findings and recommendations.

Section 6. The commission shall report its findings, recommendations and such proposed legislative enactments as it deems necessary to carry out the purposes of this act to the Thirty-third Legislative Assembly of the State of Montana on or before the tenth legislative day of said legislative assembly.

Commission may accept grants and use of facilities.

Section 7. In accomplishing the purposes of this act the commission is empowered to accept grants of money, the use of facilities or services and any other assistance from any state, federal or private agency, person or corporation that such acceptance involves no responsibility of any kind on the part of the commission or the State of Montana with respect to the recommendations or activities of the commission or otherwise.

Appropriation.

Section 8. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of twenty-five thousand dollars ($25,000.00) for the purposes of this act. This appropriation shall be deemed a supplemental appropriation within the meaning of the Budget Act and shall be valid upon the final passage and approval of this act. In accomplishing the purposes of this act the commission is empowered to accept grants of money, the use of facilities or services and any other assistance from any state, federal or private agency, person or corporation provided that such acceptance in-

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volves no responsibility of any kind on the part of the commission or the State of Montana with respect to the recommendations or activities of the commission or otherwise. Any funds received pursuant to the foregoing authority shall be deposited in the State Treasury and are hereby appropriated for the purposes of this act.

Effective date.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1951.

CHAPTER 186

An Act to Amend Section 68-102, Revised Codes of Montana, 1947, Relating to Definitions of Terms Used in the Public Employees Retirement Act, by Re-defining the Terms "State Employee" and "Final Compensation" and Providing a Definition for the Term "Temporary Employee", Section 68-202, Revised Codes of Montana, 1947, Relating to Compulsory Membership in the Public Employees Retirement System, by Providing When and How Permanent, Probationary, Temporary, and Seasonal Employees and Employees Re-entering State Service Become Members, Section 68-401, Revised Codes of Montana, 1947, Relating to the Employing Subdivision's Bearing the Cost of Benefits, by Clarifying the Language Originally Used in Said Section, Section 68-501, Revised Codes of Montana, 1947, Relating to the Powers and Duties of the Board of Administration of the Public Employees Retirement System, by Removing the Requirement That One-half (½) Year Be Deducted from Credit for Prior Service, Section 68-801, Revised Codes of Montana, 1947, Relating to Compulsory Service Retirement, by Providing That Members Who Have Attained the Age of Seventy (70) Years May Be Re-employed or Continued in State Service Under Certain Conditions, Section 68-901, Revised Codes of Montana, 1947, Relating to Service and Disability Retirement Allowances, By Providing the Additional Pension Purchased By Contributions of the State Shall Be Computed On the Basis of a Member's Final Compensation Instead of the Average Annual Compensation Earnable By Him During the Three (3) Years Preceding Retire-

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ment, By Providing the Board of Administration of the Public Employees' Retirement System, Instead of the Industrial Accident Board, Shall Determine Incapacity for Performance of Duty as the Result of Injury or Disease Arising Out of and in the Course of Employment; That Said Board of Administration Shall Have Power to Hold Hearings, Administer Oaths, Take Depositions, and Perform Other Acts Necessary to the Making of Such Determinations, and That Any Compensation Paid By the Industrial Accident Board to a Member of the Retirement System for Such Disability Shall Be Deducted from Benefits Payable Under the Retirement System for Such Disability, Section 68-1101, Revised Codes of Montana, 1947, Relating to Death Benefits, by Providing Death Benefits Shall Not Be Payable to the Beneficiary of a Member Who Has Elected Lesser Optional Retirement Allowance or Who Has Received a Disability Retirement Allowance for Four (4) Months Preceding Death and by Providing If Compensation is Awarded by the Industrial Accident Board by Reason of a Finding a Member's Death Resulted from Injury or Disease Arising Out of and in the Course of Employment Death Benefits Payable Under the Retirement Act Shall Be Limited to Refund of the Member's Accumulated Contributions; Directing That Invalidity of a Part of This Act Shall Not Affect or Impair the Remainder, Making This Act Effective Upon Its Passage and Approval, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 68-102, Rev. Codes, 1947.

Section 1. That Section 68-102 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Definitions.

"68-102. **Definitions.** The following words and phrases used in this act, unless a different meaning is plainly indicated in the context, shall have the following meanings:

"Retirement ssytem."

(a) 'Retirement system' shall mean the "public employees' retirement system" created by this act.

"Contracting city."

(b) 'Contracting city' shall mean any municipal corporation in the state which has elected to have all, or any part, of its employees become a part of the retirement

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system and which has contracted with the board for such purpose.

"Contracting county."

(c) 'Contracting county' shall mean any county in the state which has elected to have all or any part of its employees become a part of the retirement system and which has contracted with the board for such purpose. For the purpose of applying the provisions of this act to counties, wherever in this act reference is made to "city", "contracting city", "city employee", "city clerk", "municipal corporation", or "legislative body" of any city or municipal corporation, such words shall be construed to read, respectively, as "county", "contracting county", "county employee", "county clerk", "county" or "board of county commissioners" of any county.

"Public agency."

(d) 'Public agency' shall mean any public district or other local authority or public body whatsoever.

"Contracting public agency."

(e) 'Contracting public agency' shall mean any public agency in the state which has elected to have all or any part of its employees become a part of the retirement system and which has contracted with the board for such purpose. For the purpose of applying the provisions of this act to public agencies, whenever in this act reference is made to "city", "contracting city", "city employee", "city clerk", "municipal corporation", or "legislative body" of any city or municipal corporation, such words shall be construed to read, respectively, as "public agency", "contracting public agency", "public agency employee", "secretary of governing board or analgous authorized employee of the public agency", "public agency", or "governing board or head of a public agency not managed by a board".

"State employees."

(f) 'State employees' means any person in a state office or regularly employed by the state in any capacity whatever and whose salary is paid either by warrant of the state auditor and from the fees or income of any department or agency of the state, excepting all elective and all appointive (except as herein otherwise provided) officers, court commissioners, the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; but including the president and all deans, professors and instructors in every department, college, and school of the university of

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Montana. "State employee" means further any employee under direct state supervision or functional state supervision as certified by the head of the state department concerned and approved by the board of the public employees' retirement system, who is paid either fully or in part from federal funds, but is not subject to the federal retirement system.

Temporary employees shall not be eligible to membership. *All permanent and probationary employees shall become members on the first day of employment, and proper deductions shall be made from the salaries of such employees beginning on the first day of employment.*

Permanent and probationary employees become members, when.

Upon completion of six (6) consecutive months of service temporary employees shall be deemed permanent employees for the purpose of this act, and proper deductions shall be made from the salaries of such employees on the first day following the completion of such six (6) months' consecutive service. Permanent seasonal employees shall in no event be considered temporary employees.

Temporary employees.

(g) 'Head of department' means the head of any department, institution or branch of the state service which directly pays salaries out of its income or which prepares, approves, and submits salary statements of its employees to the state board of examiners, state auditor and state treasurer for payment.

"Head of department."

(h) 'Member' shall mean any person included in the membership of the retirement system set forth in section 68-202 and not excluded in section 68-203.

"Member."

(i) 'Board' shall mean the "board of administration" created in this act.

"Board."

(j) 'Retirement fund' shall mean the "public employees' retirement fund" created and established in section 68-405.

"Retirement fund."

(k) 'State service' shall mean service rendered as an employee, hired or appointed, of the state or its university or any of the colleges, schools, components or units thereof for the purpose of this act, service rendered as an employee of any contracting city for compensation, and, for the purposes of this act, a member shall be considered as being in the "state service" only while he is receiving compensa-

"State service."

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tion from the state, or its university as aforesaid or the contracting city for such service, except as provided in subdivision (f) of section 68-501.

"Prison employee." (l) 'Prison employee' for the purpose of the retirement system, means persons appointed by the warden of the state prison or by the state board of prison commissioners.

"Prior service." (m) 'Prior service' shall mean all state service, or service to a contracting city, rendered before the first day of January, 1945; and all service rendered as an employee of the university before the same date, and all state service rendered as an employee of a contracting city before the effective date of the city's participation in the retirement system, and allowable as provided in subdivision (h), section 68-501. Employees of a contracting city shall receive credit for prior service only if the election of the contracting city to participate in the public employees' retirement act is filed with the board on or before, but not after, July 1, 1950. Notwithstanding the sentence preceding, "prior service" as applied to a person, employed by the state, including the university, who became a member while employed on a part-time basis, because of amendments to this retirement act, or as applied to a person who became a member prior to said amendments, because of a change in the employment status to a full time basis, shall mean all state service rendered before the effective date of said membership.

"Continuous service." (n) 'Continuous service' as applied to "prior service" shall mean all prior service, regardless of interruptions in such service, and as applied to service as a member shall mean uninterrupted employment in state service, except as provided by subdivision (h) section 68-501, and, except that when for any cause whatever, a member discontinues state service but subsequently re-enters such service within three (3) years from the date of the discontinuance, such interruption shall not be deemed to break the continuity of service.

"Beneficiary." (o) 'Beneficiary' shall mean any person in receipt of a pension, annuity, retirement allowance, death benefit or any other benefit provided by this act.

"Compensation." (p) 'Compensation' shall mean the remuneration paid in cash out of funds controlled by the state, the university,

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or the contracting city, plus the monetary value as determined by the board of administration, of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished by the state, the university, or the contracting city to a member, in payment for services.

(q) 'Compensation earnable' by a member shall mean the average monthly compensation as determined by the board upon the basis of the average time put in by members in the same group or class of employment and at the same rate of pay, it being assumed that during any absence said member was in the position held by him at the beginning of the absence and that prior to entering state service he was in the position first held by him in such service, but such "compensation earnable" shall not exceed four hundred sixteen dollars and sixty-six cents ($416.66) per month. "Compensation earnable."

(r) 'Final compensation' shall mean the average annual compensation earnable by a member during *any three (3) consecutive years upon which normal contributions have been made, said years to be chosen by the member.* "Final compensation."

(s) 'Regular interest' shall mean the average interest earned on investments made hereunder, compounded at each June 30th, subject to subdivision (j),section 68-501 plus such additional interest as the board may credit from year to year in accordance with the provisions of this act. "Regular interest."

(t) 'Normal contributions' shall mean contributions by members under the provisions of section 68-701 (g) to (n), both inclusive. "Normal contribution."

(u) 'Additional contributions' shall mean contributions by members under the provisions of section 68-701 (k). "Additional contributions."

(v) 'Accumulated normal contributions' shall mean the sum of all the normal contributions standing to the credit of a member's individual account, together with the regular interest thereon. "Accumulated normal contributions."

(w) 'Accumulated additional contributions' shall mean the sum of all the additional contributions standing to the credit of a member's individual account, together with the regular interest thereon. "Accumulated additional contributions."

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"Accumulated contributions." (x) 'Accumulated contributions' shall mean accumulated normal contributions plus any accumulated additional contributions standing to the credit of a member's account.

"Pension." (y) 'Pension' shall mean payments for life derived from contributions made from the state controlled funds, or in the case of members from contracting cities from the funds of such cities, as provided in this act.

"Annuity." (z) 'Annuity' shall mean payments for life derived from contributions made by a member as provided in this act.

"Retirement allowance." (aa) 'Retirement allowance' shall mean the pension plus the annuity.

"Death allowance." (ab) 'Death allowance' shall mean payments for life, or until remarriage, or until the youngest child shall attain the age of eighteen (18) years, as provided in section 68-1101.

"Actuarial equivalent." (ac) 'Actuarial equivalent' shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the board, and interest at a rate to be annually determined by the retirement board compounded annually, subject to subdivision (j), section 68-501.

"Retirement." (ad) 'Retirement' shall mean withdrawal from active service with a retirement allowance granted under the provisions of this act.

"Disability," "incapacity for performance of duty." (ae) 'Disability' and 'incapacity for performance of duty' referred to herein as a basis of retirement, shall mean disability of permanent duration or disability of extended and uncertain duration, as determined by the board on the basis of competent medical opinion.

"Actuary." (af) 'Actuary' shall mean the actuary regularly and continuously employed on a full or part time basis, by the board of administration.

"Benefit." (ag) 'Benefit' shall be the retirement allowance, death allowance, death benefit or refund of accumulated contributions provided by this act.

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(ah) 'Fiscal year' shall mean any year commencing with July first (1st) and ending June thirtieth (30th) next following. "Fiscal year."

(ai) *A 'temporary employee' is a person who is employed by the employing agency for a period not to exceed six (6) consecutive months for the performance of duties which are transitory in nature and who is certified by the employing agency to the board of administration. All other employees are permanent, probationary, seasonal, or part time employees.''* "Temporary employee."

Section 2. That Section 68-202 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 68-202, Rev. Codes, 1947.

''68-202. **Members—Employees Who Have Served Six Months—Re-Entry Into State Service—School District Employees.** Except as herein expressly excluded from membership all employees shall become members of the retirement system as follows: Members.

(a) *All permanent and probationary employees shall become members on the first day of employment. Temporary employees shall be deemed permanent employees upon the completion of six (6) consecutive months of service, and such employees shall become members on the first day following the completion of such six (6) consecutive months of service.* Permanent and probationary employees. Temporary employees.

(b) *Every employee who re-enters state service shall become a member unless he has had an original election of exemption from membership and his state service was not interrupted by a break of more than one (1) month. A seasonal employee who has had an original election of exemption from membership will not be subject to the requirement regarding the break in service while continuing in his original employment and employed on a seasonal basis, but upon termination of employment to accept new employment or absence of more than one (1) month in returning to original employment in any ensuing season, such a seasonal employee shall become a member of the retirement system upon re-entry.* Employees who re-enter state service.

(c) Time during which an employee of a school district is absent from state service during official vacation shall be counted as service in determining eligibility for membership under this act.'' Employee of school district, absence from state.

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Amendment of Sec. 68-401, Rev. Codes, 1947.

Section 3. That Section 68-401 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Cost of service of member borne by employing subdivision.

"68-401. **Cost of Service of Member Borne by Employing Subdivision.** An employee of the State or a contracting city shall receive credit, subject to the provisions of this act, for all service rendered by him as an employee of the state or a contracting city, and the cost of benefits based on such service shall be borne by the respective employers in whose service it was rendered, unless the termination of employment by the state or a contracting city is followed by entry into employment by the state if the previous employment was *by a contracting city, or contracting city if the previous employment was by the state or a different contracting city,* more than one (1) year after such termination, in which event service as applied to a member who is an employee of the state or an employee of a contracting city, shall be limited to service rendered as an employee of the state or of the contracting city, as the case may be. If a person is employed concurrently by more than one contracting city, or by the state and one or more contracting cities, his status under the retirement system shall be determined in the same manner as if he were employed in more than one office or department of the state."

Amendment of Sec. 68-501, Rev. Codes, 1947.

Section 4. That Section 68-501 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Board of administration.

"68-501. **Board of Administration.** The Board of Administration shall consist of five (5) members appointed by the governor, three (3) of which members shall be public employees and shall be members of the retirement system, and two (2) of which shall be members at large. The terms of public employee members presently serving on the board of administration shall continue in full force and effect, and the original appointments of the two (2) members at large shall be as follows: One for a term of two (2) years and one for a term of three (3) years. As the respective terms of all members of the board expire, each appointment shall be for a term of three (3) years; provided not more than one (1) employee member of the retirement board shall be an employee of the same depart-

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ment, bureau or agency of the state or contracting public agency. Members of the board of administration shall serve on a per diem basis and shall be paid at the rate of ten dollars ($10.00) per day of service, plus actual and necessary expenses, provided, however, the total per diem compensation in any one (1) year for each member of the board shall not exceed the sum of five hundred dollars ($500.00).

Compensation.

The attorney general is hereby designated legal counsel for the board.

(a) **Vacancy on the Board—How Filled.** Any vacancy occurring ninety (90) days or more before the expiration of the term of any member of the retirement board shall be filled by appointment by the governor. The person thus appointed shall serve for the remainder of the unexpired term.

Vacancy on board, how filled.

(b) The board may establish such rules and regulations as it deems proper, within the limitations of this act and for its proper administration, operation and enforcement. The board shall elect one (1) of its members president, and shall appoint and fix the compensation of a secretary who shall have the power to administer oaths, and other necessary employees. It shall maintain its office in the city of Helena. A quorum of the board shall be three (3) members. The board may appoint a committee of one or more of its members, which shall have authority to perform routine acts, such as retirement of members and fixing of retirement allowances, approval of death claims and correction of records necessary in the administration of the system in accordance with the provisions of this act and rules and regulations of the board. All expenses of the administration of this act in excess of amount provided by the one dollar ($1.00) membership fee shall be a charge on the appropriation made from general fund of the state.

Powers and duties of board.

(c) The board shall determine who are employees within the meaning of this act and shall be the sole authority and judge under this act as to the conditions under which persons may be admitted to and continue to receive benefits under the retirement system, and shall have exclusive control of the administration and investment of the fund. As soon as practical after the close of each fiscal year,

Determination of who are employees and eligibility for benefits.

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Annual report.

the board shall file with the governor a report of its work for such fiscal year.

Allowances for services and disability.

(d) Subject to the following and to all other provisions of this act, and such rules and regulations as it may adopt in pursuance thereof, the board shall determine and may modify allowances for service and disability.

Credits for service.

(e) The board of administration shall fix and determine how much service rendered in any fiscal year shall be the equivalent of a year of service and parts thereof, but shall credit one (1) year for two hundred and fifty (250) or more days of service rendered by employees on a per diem basis and one (1) year for ten (10) months or more of service rendered by employees on a monthly basis, but not more than one (1) year for all service in any fiscal year. In determining the credit to be granted for service rendered on a part time basis, for purposes of calculating retirement allowances, the service shall be reduced to a full time basis according to the service required, in the next preceding sentence, for credit for one (1) year of service. In calculating benefits based on service so determined, except in calculating the additional pension provided in subdivision (g) of section 68-901 compensation earnable shall be taken as the compensation which would be earnable if the employment had been on a full time basis, and with a compensation derived by multiplying the member's compensation by ratio of full time to the time he was required by his employment to engage in his duties. In calculating the credit to be granted for service rendered on a part time basis, for purposes of determining qualifications for retirement, and of calculating benefits payable upon death before retirement, the service required in this paragraph for credit for a year of service shall not be used, but instead, a year of service shall be credited for each year during which the member was employed throughout the year on a part time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years will be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

Calculation of benefits based on service.

(f) Time during which a member is absent from public

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Absence from public service without compensation.

service without compensation shall not be allowed in computing service; except that time during which a member is absent from public service by reason of having been ordered on duty with the armed forces of the United States, or by reason of voluntary service by the member in said forces or on ships operated by or for the United States government, either during a war involving the United States as a belligerent or in any other national emergency, and for ninety (90) days thereafter shall be considered as time spent in public service, for the purpose of qualification for retirement and death benefits, but not for calculation of retirement benefits unless the member elects to contribute and contributes under the retirement system. Any member so absent and until his return within the said ninety (90) days may resign from the system. Any members so absent shall have the right to contribute to said system, either during his service with the armed forces of the United States or in the merchant marine of the United States, and ninety (90) days thereafter or upon his return to the state service, at times and in a manner fixed by the board of administration, amounts equal to the contribution which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence. If he does so contribute he shall receive credit for public service for such time in the same manner as if he had not been absent from public service. Whenever a member elects to continue his contributions, the state or the contracting city, or county or other agency shall thereupon contribute an amount equal to that which it would have contributed under section 68-1307 or under the contract between the board and the legislative body, as the case may be, if the member had not been absent from state service.

Member absent from state service by order to duties outside state service.

Any member so absent or any member absent from state service by reason of having been ordered by an authorized official of the State of Montana or the United States, to duties outside state service shall be paid upon his request, his accumulated contributions. Such payment shall terminate any election by said member under this section to contribute.

Absence by reason of injury or illness.

Time during which a member is absent from public service by reason of injury or illness determined within one (1) year after the end of such absence as arising out

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of and in the course of his employment, shall be considered as spent in public service, for the purpose of qualification for retirement and death benefits, but not for the calculation of retirement benefits, except as he received compensation, as defined in this act and as distinguished from disability indemnity under the workmen's compensation act during the absence, and then only to the extent of compensation received.

Employees to file information affecting status.

(g) Each employee shall file with the board of administration such information affecting his status as a member of the retirement system as the board may require.

Credit for prior service.

(h) Credit for prior service shall be granted to each person other than persons who are employees of the university or of a contracting city at the time of becoming members of the retirement system, who has rendered such service as defined in this act, and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service. Credit for prior service shall be granted to each person who is employed by the university at the time of becoming a member of the retirement system regardless of whether he had been retired under the system prior to the effective date hereof, who has rendered such service as defined in this act and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service.

Credit for prior service by city employee.

Credit for prior service shall be granted to each person who is employed by a contracting city at the time of becoming a member of the system, who has rendered such service as defined in this act, and who has become a member of the retirement system within three (3) years after last rendering prior service. Notwithstanding the three (3) sentences next preceding, credit for prior service shall be granted to each person employed by the state including the university, who became a member while employed on a part time basis, because of amendments to this retirement act, or who became a member prior to said amendments, because of a change in status to a full time basis. The credit for prior service to be granted persons employed by a contracting city who are included under the retirement system shall be established by contract between the board and the legislative body of such city; and such

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credit as may be granted to a person shall be in the form of a percentage, not to exceed the analogous percentage applicable to employees of the state, for each year of prior service. Prior service so credited shall be the basis for a retirement allowance or benefit as provided in this act only if the membership in the retirement system continues unbroken until retirement or retirement allowance or until the granting of such other benefit; provided, that termination of membership by withdrawal of accumulated contributions followed by the redeposit of such contributions upon re-entrance into public service as herein provided shall not constitute a break in membership, but this section shall not be construed to entitle any person to credit as prior service for time during which he was not in public service as defined in this act.

Management and control of system.

(i) The management and control of the retirement system shall be vested in the board of administration, and it shall exercise the following powers and perform the following duties:

Powers and duties of board.

(j) The board of administration shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this act. On July 1, 1946, and at the end of every two (2) year period thereafter, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries under the provision of this act, and shall further cause to be made an actuarial valuation of the assets and liabilities of the public employees' retirement fund herein created, and from time to time shall determine the rate of interest being earned on the said retirement fund. Upon the basis of any or all of such investigation, valuation, and determination, said board shall adopt such mortality, service and other tables and such interest rate, in lieu of the interest rate specified herein, or any of such items as it shall deem necessary, and shall make such revision in rates of contributions of members as it may deem necessary to comply with the provisions of section 68-701. No adjustment shall be included in the new rates for time prior to the effective date of such revision.

(k) The board shall credit contributions of members of beneficiaries, of the state and of contracting cities with

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Contributions of members, of beneficiaries, and interest, to be credited.

interest at the rate being used under the system on the effective date hereof, compounded each June 30th, subject to the foregoing subdivision (j) of section 68-501. At the end of each fiscal year, beginning with the second fiscal year of the operation of the retirement system, it may credit to all contributions held in the retirement fund at June 30th of the then current fiscal year, such interest in excess of said rate provided herein as it may deem proper in the light of the earnings of the retirement fund during such fiscal year, but such additional interest credited during any fiscal year shall not be greater than the excess of said earnings over the interest otherwise credited to contributions during that year. Interest at said rate, compounded annually, subject to said foregoing subdivision (j) hereof, shall be used in the calculation of benefits under any mortality table adopted by the board, regardless of any additional interest allowed on contribution under this paragraph.

Additional records and accounts to be kept.

In addition to other records and accounts, it shall keep such records and accounts as may be necessary to show at any time:

The total accumulated contributions of members.

The total accumulated contributions of retired members less the annuity payments made to such members.

The accumulated contributions of the state and of contracting cities held for the benefit of members on account of service rendered as members of the retirement system.

All other accumulated contributions of the state and of contracting cities which shall include the amounts available to meet the obligation of the state and of the contracting cities, respectively on account of benefits that have been granted to retired employees and on account of prior service of members.

Financial statement to be published annually.

(l) In addition to rendering the annual report to the governor required by subsection (c) of this section, it shall cause to be published annually a financial statement showing an actuarial valuation of the assets and liabilities of the retirement system created by this act and a statement as to the accumulated cash and securities in the retirement fund as certified by the state auditor, but until all prior service is verified, the board of administration may omit

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from the financial statement published annually, assets and liabilities resulting from such prior service, and may include assets and liabilities on account of service rendered as members in amounts equal only to accumulated contributions held on account of such service."

Amendment of Sec. 68-801, Rev. Codes, 1947.

Section 5. That Section 68-801 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

"68-801. **Compulsory Service Retirement—Reinstatement—Voluntary Retirement.** Retirement of a member for service shall be made by the board of administration as follows:

Compulsory service retirement.

(a) From and after July 1, 1947, until January 1, 1951, every member other than elective officers and officers appointed directly by the governor shall be retired on the first (1st) day of the calendar month next succeeding that in which he attains the age of seventy-five (75) years. Elective officers and officers appointed directly by the governor who have elected to become and are members of the system may continue to serve in office for the duration of the term for which elected or appointed. Every employee of the university who becomes a member, and who, at the time of becoming such member has attained the age of seventy-five (75) years, shall be retired forthwith. On and after January 1, 1951, every member who at that time has attained the age of seventy (70) years, shall be retired forthwith, and thereafter every such member must be retired on the first (1st) day of the calendar month next succeeding that in which he attains the age of seventy (70) years.

Reinstatement.

(b) Notwithstanding any other provision of this act, until October 1, 1947, or the termination of the war in which the United States is now engaged, which ever is earlier, any person who has been retired for service (as distinguished from disability) under the provisions of this act may be employed in state service in accordance with the laws governing such service, in the same manner as person who has not been so retired, upon the determination of the board of administration, by medical examination, that he is not incapacitated for the duties proposed to be assigned to him.

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Adjustments upon re-employment.

(c) Any person so employed shall be considered as reinstated from retirement and his retirement allowance shall be cancelled forthwith. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of such reinstatement, and his rate of contribution for future years shall be the same as if he had continued in state service during the period of his retirement. Such person shall receive credit for prior service in the same manner as if he had never been retired.

Voluntary service retirement.

(d) Upon obtaining the age of sixty (60) years or more and completing ten (10) years of public service credited under this act, any member shall be retired upon his written application to the board, subject to the provisions of section 68-901.

Re-employment of member seventy years of age under what conditions

(e) *Notwithstanding the provisions of paragraph (a) of this section, the board may, in its discretion, approve the re-employment or continuance in state service of a member who has attained the age of seventy (70) years, subject to the following conditions: (1) Such re-employment or continuance in state service shall be for a maximum period of one (1) year and may be renewed thereafter on an annual basis from year to year, subject at all times to termination by either the member or employing agency; (2) The member shall make an application in writing for such re-employment or continuance in state service to both the head of the employing agency and the board of administration of the public employees' retirement system; (3) The head of the employing agency shall file with the board of administration of the public employees' retirement system his approval of such re-employment or continuance in state service of such member; (4) The member and the employing agency shall no longer make contributions to the retirement system on behalf of such member, and such member — if re-employed or continued in state service by said board of administration — shall acquire no additional rights or benefits by reason of such additional employment and shall cease to be eligible for on-the-job disability retirement; (5) Such member so re-employed or continued in state service shall not receive any retirement allowance so long as he is re-employed or continued in state service.*

In addition to the foregoing conditions, the board of ad-

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ministration of the public employees' retirement system may require the member who has attained the age of seventy (70) years and has applied for re-employment or continuance in state service to submit to a medical examination by a licensed physician or surgeon, designated by the board, at the place of residence of the member or other place mutually agreed upon. Such examination, if required, shall be conducted in accordance with medical examination forms to be prepared and furnished by the board; and the board shall pay the medical examiner's fee.''

Medical examination.

Section 6. That Section 68-901 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 68-901, Rev. Codes, 1947.

''68-901. **Service Retirement Allowance.** A member upon retirement from service is entitled to receive a service retirement allowance which shall consist of:

Service retirement allowance.

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

Annuity.

(b) A pension, purchased by the contributions of the state, or the contracting city, equal to that portion of the annuity purchased by the accumulated normal contributions of the member; and

Pension.

(c) An additional pension, purchased by the contributions of the state, for members other than persons who are employees of the university at the time of becoming members, and members employed by a contracting city. Such additional pension shall be equal to one-seventieth (1/70) of the *member's final compensation,* multiplied by the number of years of prior service, except that if a member retires before attaining the age of sixty-five (65) years, the additional pension shall be reduced to that amount which the value of the pension computed as provided in this paragraph as deferred to age sixty-five (65), will purchase at the actual age of retirement.

Additional pension.

(d) If a member retires before attaining the age of sixty-five (65) years, the additional pension shall be reduced to that amount which the value of the pension computed as provided in this section as deferred to age sixty-five (65) will purchase at the actual age of retirement.

If member retires before attaining age of sixty-five years.

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Additional pension for members who are employees of the university.

(e) An additional pension, purchased by contributions of the state, for members who are also employees of the university at the time of becoming members, said additional pension to accrue from the date of retirement under the system regardless of whether said retirement was prior to the effective date hereof. Such additional pension shall be equal to one-seventieth (1/70) of the average annual compensation earnable by him during the three (3) years preceding retirement, multiplied by the number of years or prior service credited to him, except that if a member retires before attaining the age of sixty-five (65) years, the additional pension shall be reduced to that amount which the value of the pension computed as provided in this paragraph as deferred to age sixty-five (65), will purchase at the actual age of retirement. If, however, a member who is employed by the university at the time of becoming a member, shall not have rendered state service before January 1, 1946, his additional pension shall be based upon one-seventieth (1/70) of the average annual compensation earnable by him during the first year of state service, or such portion thereof as he may have served before January 1, 1946, multiplied by the number of years of prior service credited to him.

Additional pension for prior service of employees of contracting city.

(f) An additional pension on account of prior service, purchased by the contributions of the contracting city for members who are also employees of a contracting city as may be provided for under the contract between the board and the contracting city.

MINIMUM GUARANTEE

Minimum guarantee.

(g) When a member enters the retirement system with credit for prior service, and retires after attaining the age of seventy (70) years, if his final compensation was such that one-half (½) thereof is in excess of the total of his pension, annuity, and additional pension for prior service, a second additional pension for prior service sufficient to cause his retirement allowance to amount to one-half (½) of such final compensation shall be paid him on account of prior service, but in no event shall a greater second additional pension be paid than will cause the total retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, to amount to the sum of four hundred eighty dollars ($480.00)

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per year. The provisions of this section shall not apply to the members who are employees of a contracting city unless provided for by contract between the board and the contracting city, but if a member be employed by more than one (1) of such cities, his aggregate retirement allowances shall be taken into account in applying said provisions, and said application shall be made as if the member was employed by one or more offices or departments of the state.

Disability retirement.

(h) *Any member who has not reached seventy (70) years of age shall be retired* for disability if incapacitated for the performance of duty as the result of any injury or disease arising out and in the course of his employment.

Determination of incapacity for performance of duty.

Incapacity for performance of duty shall be determined by the board of administration of the public employees' retirement system, and said board of administration shall determine whether such incapacity is the result of injury or disease arising out of and in the course of employment. In the discharge of its duty regarding such determination, the board or any member thereof or duly authorized examiner or other duly authorized representative of the board shall have power to conduct hearings, administer oaths and affirmations, take depositions, certify to official acts and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with a claim for disability retirement. If the board determines on the evidence that it obtains and application filed that the disability resulted from injury or disease arising out and in the course of employment, the said member shall be retired forthwith and be paid the benefits provided under the retirement system. Any such member incapacitated for the performance of duty by reason of a cause not included in the immediately preceding sentence, and any other member so incapacitated, regardless of the cause, shall be retired forthwith regardless of age but only after ten (10) years of service to the state, or to the contracting city.

Compensation paid by industrial accident board to be deducted.

Any compensation paid by the industrial accident board of the State of Montana to any member of the retirement system for total and permanent disability resulting from injury or disease arising out of and in the course of em-

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ployment shall be deducted from the benefits payable under the retirement system for such disability.

Industrial accident board to certify findings.

In any case where the industrial accident board makes a determination that disability of a state employee resulted from injury or disease arising out of and in the course of employment and pays compensation thereon for a total and permanent disability, the industrial accident board shall certify its findings and determination to the board of administration of the public employees' retirement system.

(i) Subject to the requirements as to service and cause of disability stated in subdivision (h) of this section, and upon the application of a member or upon the application of the head of the office or department in which such member is or was last employed, or upon application of the university if such member is an employee of the university, or any other person on behalf of such member, while such member is in state service, within four (4) months after such member's discontinuance of state service, or while such member continuously, from the date of discontinuance of state service to the time of the application or motion, is physically or mentally incapacitated to perform his duties, may apply for, or the board of administration upon its own motion may order, a medical examination to determine the existence of such incapacity. Upon the receipt of such application, the board of administration shall order such medical examination. If the medical examination and other available information show, to the satisfaction of said board, that the member is incapacitated physically or mentally for the performance of his duties in the state service, the said board shall forthwith retire the member for disability. The said board shall secure such medical service and advice as is necessary to carry out the purposes of this section and of sections 68-1001 through 68-1004, and shall pay for such medical services and advise such compensation as the board deems reasonable.

Medical examination.

DISABILITY RETIREMENT ALLOWANCE

Disability retirement allowance.

(j) Upon retirement for disability a member who has attained the age of sixty (60) years shall receive a service retirement allowance as provided by subsections (a), (b),

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(c) of this section. Upon retirement of a member for disability resulting from injury or disease arising out of and in the course of employment, such member shall receive a retirement allowance of fifty per centum (50%) of his final compensation.

(k) Upon retirement for disability a member who is an employee of the university and who has attained the age of sixty (60) years, shall receive a service retirement allowance as provided in subdivisions (a), (b) and (c) of this section. Member employed by university.

(l) Every other member retired for disability shall receive a retirement allowance which shall consist of: Other members.

(i) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and Annuity.

(ii) If, in the opinion of the board of administration, such disability is not due to intemperance, wilful misconduct or violation of law on the part of the member, a pension purchased by the contributions of the state, or of the contracting city which, together with his annuity provided by his accumulated normal contributions, shall make the retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, equal to (a) ninety percent (90%) of one-seventieth (1/70) of his final compensation multiplied by the number of years of service credited to him, if such disability retirement allowance exceed one-fourth (¼) of his final compensation; otherwise, (b) ninety percent (90%) of one-seventieth (1/70) of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age sixty-five (65), but in such case the retirement allowance shall not exceed one-fourth (¼) of such final compensation. In no event, however, shall the pension purchased by the contributions of the state or of the contracting city be more than sufficient to make the disability retirement allowances, exclusive of any annuity purchased accumulated additional contributions, exceed the service retirement allowances, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member should he retire at the lowest age at which he would be eligible for service retirement. Amount of pension plus annuity.

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In case of disability due to intemperance or wilful misconduct.

(iii) If, in the opinion of the board, the disability is due to intemperance, wilful misconduct or violation of law, on the part of the member, and the annuity to which said member is entitled under subdivisions (j), (k) and (l) of this section, is less than two hundred forty dollars ($240.00) per year, the board of administration in its discretion, may pay to said member, in one lump sum and in lieu of said annuity, his accumulated contributions."

Amendment of Sec. 68-1101, Rev. Codes, 1947.

Section 7. That Section 68-1101 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Death benefit.

"68-1101. **Death Benefit.** Upon the death before retirement of a member while in the state service, or within four (4) months after the discontinuance of state service, or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from the discontinuance of state service, the retirement system shall be liable for a death benefit, which if there is a surviving wife or surviving children under eighteen (18) years of age, shall be paid in monthly installments and to the surviving wife and children as presented therein; otherwise such death benefit shall be paid to his estate, or to such person having an insurable interest in his life as he has nominated by written *designation* duly executed and filed with the retirement board; provided,

Proviso.

however, that death benefits shall not be payable to the beneficiary of a member who (a) has elected a lesser optional retirement allowance as provided in section 68-1005, as amended, Revised Codes of Montana, 1947, or (b) who has received a disability retirement allowance as provided for in paragraphs (i) through (l) of Section 68-901, Revised Codes of Montana, 1947, as amended, for a period of four (4) months immediately preceding death. Such death benefit shall consist of:

Accumulated contributions.

(a) His accumulated contributions, and in addition thereto,

Amount based upon annual compensation and length of service.

(b) An amount, provided from contributions by the state, or by a contracting city, which shall be equal to one-twelfth (1/12th) of the annual compensation earnable by the deceased during the twelve (12) months immediately preceding his death, multiplied by the number of

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completed years of service under the system, but not to exceed fifty (50) per centum of such compensation.

(c) A member, or a beneficiary after death of a member, may elect, by written designation, duly executed and filed with the board of administration to have the death benefit provided in clauses (a) and (b) paid in monthly installments, fixed in number or amount, all subject to such rules and regulations as the board may adopt. Regular interest shall be credited on the unpaid balance of such benefit, at rates then in use under the system as adopted by the board from time to time.

Election to have benefit paid in monthly installments.

(d) *If compensation is awarded by the industrial accident board of the State of Montana by reason of a finding that the member's death resulted from injury or disease arising out of or in the course of employment, the death benefit payable hereunder shall be limited to refund of the member's accumulated contributions. In any case where the industrial accident board makes a determination that death of a state employee resulted from injury or disease arising out of and in the course of employment and pays compensation therefor, the industrial accident board shall certify its findings and determination to the board of administration of the* public employees' retirement system."

In case of death from injury or disease arising out of and in course of employment.

Section 8. If any clause, sentence, paragraph, section, subdivision, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, inoperative, or unconstitutional, such decision shall not affect, impair, or invalidate the remaining portions of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, subdivision, or part directly adjudged to be invalid, inoperative, or unconstitutional.

Separability of act.

Section 9. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 3, 1951.

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CHAPTER 187

An Act to Amend Title 31, Section 31-105, Revised Codes of the State of Montana, 1947, of the Montana Highway Patrol, Relating to Qualifications of Patrolmen, Salary, Probationary Training, Discharge, Demotion, Suspension, Hearing, and Providing for a Minimum Salary Schedule; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 31-105, Rev. Codes, 1947.

Section 1. That Section 31-105 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 31-105. **Qualifications of Patrolmen—Salary—Probationary Training — Discharge—Demotion—Suspension—Hearing.** The board shall designate and name assistant supervisors, not to exceed four (4) in number, patrol sergeants not to exceed *four (4)* in number, one (1) director of public safety and education, and patrolmen in such numbers as the board may deem necessary. Said patrolmen shall be chosen in equal numbers in the twelve (12) highway districts. Replacements and additions to the force shall be selected in the same manner. *The salaries of patrolmen and other officers shall not exceed those named in the following schedule, to-wit: Patrolmen: first year two hundred and twenty-five dollars ($225.00) per month; second year two hundred and sixty-five dollars ($265.00) per month; third year two hundred and seventy-five dollars ($275.00) per month; fourth year three hundred dollars ($300.00) per month; fifth year and thereafter three hundred and twenty-five dollars ($325.00) per month; sergeants, three hundred thirty-seven dollars and fifty cents ($337.50) per month; assistant supervisors, three hundred and fifty dollars ($350.00) per month; supervisor, five thousand dollars ($5,000.00) per year; provided further, that no salary shall be decreased which is a greater amount as of January 31, 1951, as a result of this act.* Assistant supervisors, a director of public safety and education, and sergeants shall be selected from the patrolmen by the supervisor, subject to the approval of the highway patrol board. The duties and jurisdiction of the assistant supervisors, director of public safety and

Assistant supervisors, patrol sergeants, director of public safety, and patrolmen to be designated.

Schedule of maximum salaries.

Proviso.

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education and sergeants shall be outlined, defined and under the control of the supervisor, subject to the approval of the Montana highway patrol board.

"(a) Patrolmen shall possess the following qualifications: Qualifications of patrolmen.

1. Sound and active physical and mental condition.

2. Good moral character.

3. Resident of Montana for at least five (5) years last past.

4. Pass a satisfactory test in the operation of both automobiles and motorcycles.

5. Not over fifty-five percent (55%) of the patrol shall belong to one political party.

6. Citizen of the United States and State of Montana.

"For the purposes of this act, the supervisor, assistant supervisors, director of public safety and education, sergeants and patrolmen shall all be deemed patrolmen. The Montana highway patrol board shall prepare a schedule of compensation and expenses for all patrolmen and submit it to the state board of examiners for their approval, *in conformity with this act.* All patrolmen shall be placed under probationary training and service for a period of six (6) months to one (1) year, during which time the highway patrol supervisor must recommend to the highway patrol board for permanent appointments or the patrolmen will automatically be dismissed. Patrolmen filling vacancies caused by the incumbents' entrance into the armed forces of the United States, shall, on the return of the incumbents be placed in the patrol reserve, without pay; otherwise they shall hold their permanent appointments while there are sufficient operating funds. Reserve patrolmen shall then be used for future replacements in the permanent patrol. Probationary training.

"Every person employed or appointed and designated as a supervisor, assistant supervisor, sergeant, director of public safety and education, or patrolman under and pursuant to the provisions of this act, except as above provided, shall continue in service and hold his position without demotion until suspended, demoted, or discharged in Duration of service and position.

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the manner hereinafter provided, for one or more of the causes specified in the following paragraph.

Causes of suspension, demotion or discharge.

"(b) Causes for suspension, demotion, or discharge will be:

1. Conviction of any crime involving moral turpitude in any court of competent jurisdiction subsequent to the commencement of such employment.

2. Gross neglect of duty or wilful violation or disobedience of orders or regulations.

3. Loitering about or entering places of ill fame, ill repute, or where gambling is known to be conducted or to be in progress, except in the immediate discharge of duty.

4. Conduct unbecoming an officer.

5. Drinking intoxicating liquor while using state-owned cars or in uniform, or being intoxicated in a public place.

6. Sleeping while on duty.

7. Incapacity, or partial incapacity, materially affecting his ability to perform his official duties.

8. Gross inefficiency in performing duties.

Participation in political campaign.

9. Active participation in any political campaign by supporting or opposing, directly or indirectly, any political candidate, or contributing financially or otherwise, directly or indirectly, to the success or defeat of any political party or candidate.

Charges against employees.

The charge or charges against any such employee shall be made in writing and shall be signed and sworn to by the person making the same, which written charge or charges shall be filed with the supervisor of the Montana highway patrol. Any charges involving suspension or dismissal of the supervisor or an assistant supervisor shall be filed directly with the highway patrol board.

Supervisor may order hearing or dismiss charges.

"Upon the filing of the same, if the supervisor, in his opinion, believes that such charges constitute grounds for discharge, he shall order a hearing to be had thereon before the highway patrol board and fix a time for such hearing, otherwise he shall dismiss such charges.

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"(c) At least ten (10) days before the time appointed for said hearing, written notice specifying the charge or charges filed and stating the name of the person or persons making the charge or charges shall be served on the said employee personally, if his whereabouts is known, in the State of Montana. If at the time, the whereabouts of the said employee is unknown, or if he be outside of the State of Montana, service may be made upon him by mailing the said written notice to him at his last known place of residence in Montana.

Notice of hearing.

"If the supervisor orders a hearing he may suspend such employee pending the rendition of the decision made in such case.

Suspension pending hearing.

"The highway patrol board shall be the authority to hear such charge or charges and render a decision and appropriate order.

"The highway patrol board shall have the power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers, and other evidence at such hearing and for that purpose issue subpoenas and cause the same to be served and executed in any part of the state.

Highway patrol board may compel attendance of witnesses.

"The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross examine the same and to introduce at such hearing testimony in his own behalf and shall be entitled to be represented by counsel at such hearing. The highway patrol board shall within fifteen (15) days after such hearing render its decision in writing and file same in its office with the supervisor and with the employee accused also.

Rights of accused employee.

"If, after such hearing, the highway patrol board finds that any such charge or charges made against the employee are true, it may punish the offending party by reprimand, suspension without pay, demotion, or dismissal.

Punishment of offending party.

"(d) Any employee who is so suspended, demoted, or dismissed may have a right of appeal to the district court of Lewis and Clark county, within ten (10) days after such decision or determination of the highway patrol board, and said court shall review such decision or determination in a summary manner and shall render its decision upon

Appeal to District Court.

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such appeal within ninety (90) days from the filing of such appeal in said court. If such decision or determination of the highway patrol board shall be finally reversed or modified by said court, the said employee shall be reinstated in his position and the highway patrol board shall pay to the said employee any salary or wages withheld from him pending the determination of the charge or charges, or as may be directed by the court.

Board may order charges filed.

"The highway patrol board shall have the authority to order the supervisor to file charges with the board if the supervisor in his judgment does not believe the charge or charges warrant a hearing.

Supervisor, with approval of board, may suspend, demote or reprimand.

"When the highway patrol supervisor has cause to believe that any member of the highway patrol has violated any of the hereinabove specified grounds for suspension, demotion or discharge, or his conduct has warranted reprimanding, he may, with the approval of the Montana highway patrol board, suspend, demote or reprimand the member. Suspension shall be without pay and for a period not to exceed twenty (20) days in time. In cases of demotion, the member shall receive the pay of the classification to which he is demoted."

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith be, and the same are hereby repealed.

Approved March 3, 1951.

CHAPTER 188

An Act to Amend Section 75-4601, 75-4602, 75-4605 of the Revised Codes of Montana, 1947, Providing for the Creation of High School Districts; Providing for the Election of Additional Members to the Board of Trustees of School Districts Maintaining High Schools in High School Districts; Providing for the Division of Counties Into High School Districts; Providing for Recognizing High School Districts Heretofore Created and Providing for the Abandonment and Consolidation of High School Districts; and Repealing All Other Acts and Parts of Acts in Conflict With This Act.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 75-4601, Rev. Codes, 1947.

Section 1. That Section 75-4601, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 75-4601. **High School Trustees May Undertake Public Works Program—Petition Not Necessary.** In any county having a high school the board of trustees of the county high school, if there be one, and the boards of trustees of any school districts maintaining *district* high schools, are hereby designated as the boards of trustees of the respective high school districts established under this act, *provided that additional members may be elected to the board of trustees of districts maintaining district high schools in the number and manner as follows: When a majority of the boards of the common school districts in the high school district and the board of the district in which the high school is located so request. Such request shall be directed to the county superintendent of schools, who shall proceed as directed in this act.*

Boards of trustees of high school districts.

Additional members.

The taxable valuation of the district in which the high school is located shall be divided by the number of trustees on the high school board. In the case of a first class district this number shall be seven (7), for a second class district five (5), and for a third class district three (3). This figure obtained shall then be divided into the remaining valuation of the high school district, and the resulting number, to the closest whole number, shall be the number of additional board members to be elected; provided, that the number of these additional board members shall not exceed four (4) in districts of the first and second class or two (2) in districts of the third class.

Determination of number of additional trustees.

(a) The additional members elected to the board of trustees of districts maintaining high schools shall be elected at a meeting of the trustees of all of the boards of trustees of the common school districts included within the boundaries of the high school district, which meeting shall be held on the fourth Saturday in April beginning with the year 1951. The members so elected shall hold office for a term of three (3) years and such meetings and elections shall be held every third year after the first meeting. The state superintendent of public instruction shall make all necessary rules and regulations for the conduct

Election of additional members.

Term.

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of said meeting and it shall be the duty of the county superintendent of schools to give written notice of the meeting by registered mail to each trustee not less than seven (7) days before such meeting. The additional trustees elected shall be elected from the trustees of the common school districts included within the high school district with the exception of the membership of the board of trustees of the school districts maintaining high schools.

Additional trustees to be elected from trustees of common school districts, when.

(b) The additional members elected to the board of trustees of districts maintaining high schools, shall take office immediately after qualifying and shall participate on an equal basis with other members in all business transacted by the board of trustees pertaining to the high school maintained by said districts.

Board of trustees of high school district authorized to undertake program to construct improve, equip buildings, for use of high schools in county.

To effectuate the purpose of this act, the board of trustees of any high school district, as herein provided for, is hereby authorized to undertake a program of public works in the construction, improvement or repair of buildings, furnishing and equipping the same and purchasing the necessary land therefor, for the use of any or all high schools in such high school district, and to accept funds from the United States, its instrumentalities or any of its agencies in aid of any one or more of such purposes. Such proceedings may be commenced by resolution upon the part of such board of trustees of such high school district of its own motion and without any petition being filed therefore, *such proceedings may also be commenced on petition of thirty percent (30%) of the qualified electors of the high school district. Upon presentation of this petition to the high school district board of trustees, the latter shall, within sixty (60) days take steps to present the matter asked for in the petition to a vote of the people of the high school district.*''

Procedure.

Amendment of Sec. 75-4602, Rev. Codes, 1947.

Section 2. That Section 75-4602 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

''Section 75-4602. **Commission May Divide County Into High School Districts.** In all counties having a high school, or high schools, a commission consisting of the county commissioners and the county superintendent of schools shall at the request of any high school board of trustees in the county, divide the *entire* county into and *establish*

Commission — to divide county into high school districts.

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one or more high school districts for the purpose of this act, after hearing; *provided, that each high school district so formed must have one or more operating, accredited high schools within its boundaries.* That the commission shall fix the time, date and place, and at such time, date and place hold a public hearing of the requested division of the county into high school districts, at which hearing any interested person may appear and be heard concerning the requested division. Written notice of such hearing shall be mailed by the county superintendent of schools to the chairman of each and every board of trustees of each and every school district in the county, and the chairman of the board of trustees of the county high school, stating the time, date and place of such public hearing, and shall be mailed not less than two (2) weeks preceding the date fixed for such hearing. The certificate of the county superintendent of schools filed with the commission reciting that said notices were mailed shall be conclusive.

Procedure.

The boundaries established by said commission shall be subject to the approval of the superintendent of public instruction.

Approval of superintendent of public instruction.

If any high school district shall cease to have within its borders an operating, accredited high school, then it shall be the duty of the county superintendent of schools to consolidate and annex the common school districts comprising said high school district to one or more operating high school districts within a period of six (6) months after one (1) year of being declared non-operating or non-accredited.

In case high school district has no operating, accredited high school — consolidation of common school districts.

In creating such districts the commission shall give first consideration to the factor of convenience of the patrons of the several schools. Common school districts may be grouped for the purpose of this act and when practicable high school districts shall be made up on contiguous and adjacent common school districts but the commission must take into consideration the existence or non-existence of obstacles of travel, such as mountains and rivers and existence or non-existence of highways and distances to high school. No common school districts shall be divided for the purpose of this act but must be made a part of a high school district in its entirety, *unless such division is approved and authorized by the voters of the common*

Factors to be considered in creating districts.

Division of common school districts.

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school district involved, at a special election held for that purpose and such division shall be on the basis of equal area, or as near thereto as practicable in relation to the geographical features of such district, provided that the entire portion of a joint school district within the county *shall* be included within a high school district."

Amendment of Sec. 75-4605, Rev. Codes, 1947.

Section 3. That Section 75-4605 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Construction of act.

"Section 75-4605. **Construction of Act.** This act shall not prevent the exercise of powers as elsewhere in the statutes of this state provided. It shall constitute an additional and cumulative method of borrowing money and of carrying out the powers herein authorized. The high school districts created under the provisions of this act, are for construction, repair, improvement, and equipment purposes only, and it shall not be construed so as to interfere with or repeal any existing laws relating to the maintenance or operation of high schools within the county. All high school districts heretofore created under the provisions of Sections 1301.1 to 1301.6, inclusive, of the Revised Codes of Montana, 1935, *and Chapter 275, Laws of 1947,* and amendments thereof, are hereby recognized as legally organized high school districts with full powers under this act."

Approved March 5, 1951.

CHAPTER 189

An Act to Amend Section 75-3401, 75-3407, and 75-3413 of the Revised Codes of Montana, 1947, as Amended by Chapter 200, Laws of 1949, and Sections 75-3404, 75-3405, 75-3406, 75-3412 and 75-3414 of the Revised Codes of Montana, 1947, Relating to Boards of Trustees Furnishing Transportation, Closing Schools and Furnishing Transportation, Contracts for Transportation, Requirements as to Busses, Drivers and Operation of School Busses, Schedules for Paying for Individual and Bus Transportation, Rent or Board in Lieu of Transportation Provided by the District, Settlement of Transportation Matters in Controversy, Reimbursements, Budgets and Levies for Transportation; to Provide for

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Mandatory Transportation, to Provide That All Transportation Contracts Be Let Out for Bids, to Provide Compliance With the State Board of Education Regulations for Operation and Safety of School Busses, to Provide for a County Transportation Committee and Its Duties, to Provide for a Special Reimbursement Rate for Small School Busses, to Define Isolation, to Provide for Capacity of Busses and School Bus Routes for Reimbursement Purposes, to Provide Transportation Routes Within High School Areas and to Provide for Raising That Part of Transportation Budgets in Excess of the Schedule for High Schools and Elementary Schools, and Repealing Sections 75-4119, 75-4145, 75-3301, 75-3302, 75-3303, 75-3304, 75-3305, 75-3306, 75-3307, All of the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 75-3401, Rev. Codes, 1947, as amended.

Section 1. That Section 75-3401 of the Revised Codes of Montana, 1947, *as amended by Chapter 200, Laws of 1949,* be, and the same is hereby amended to read as follows:

Boards of trustees to furnish transportation.

"Section 75-3401. **Boards of Trustees to Furnish Transportation.** The board of trustees of any school district or county high school within the State of Montana may furnish transportation to and from school for all pupils residing within their district, who are enrolled in the public schools of their district, *or who have been granted permission to attend a school in another district,* and who reside three *(3)* or more miles distant, over the nearest practical route, from a public elementary or secondary school. Provided, that, school boards may in lieu of transportation furnish supervised correspondence study; supervised home study; room, rent, or board, *or individual transportation payments,* but any sum expended in lieu of transportation shall not exceed the per pupil cost set up by schedule in section 75-3407 of this act, as amended; *provided, further, that the board of trustees must furnish transportation or services in lieu thereof when directed so to do by the county transportation committee and such direction has been upheld by the state superintendent of public instruction.*

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Amendment of Sec. 75-3404, Rev. Codes, 1947.

Section 2. That Section 75-3404 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Trustees may close schools and transport pupils to other schools.

"Section 75-3404. **School Boards May Close Schools and Transport Pupils to Other Schools—District to Support Schools of Other Districts.** The board of trustees shall have the power to close any elementary school within the district, and transport the pupils to another *elementary* school or schools within the district, or to a school or schools in other districts, when the board deems such act to be for the best interests of all the pupils attending school. Trustees of other districts may accept the entrance of children from closed schools to their schools, provided, that, whenever a district is thus relieved of the necessity of furnishing schooling for any or all of its pupils, it shall be the duty of the school board of such district to assist in the support of the school which the children of such district are attending, *according to the schedule in section 75-1630 of the Revised Codes of Montana, 1947, as amended.*

Obligation to assist in support of school to which it transports its pupils.

Amendment of Sec. 75-3405, Rev. Codes, 1947.

Section 3. That Section 75-3405 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Contracts for transportation, restrictions upon.

"Section 75-3405. **Contracts for Transportation.** No school money shall be paid for transportation services, or for anything in lieu of transportation, to any person, or firm, who or which does not hold a legal contract with the trustees of the district; and no payments shall be made for any days that transportation, or services in lieu thereof, for the children mentioned in the contract, is not actually furnished unless such failure to perform is excused by the board of trustees for reasons not under the control of said person or firm.

Contract forms, and execution thereof.

Contract forms, for transportation, with minimum requirements, shall be prepared by the state superintendent of public instruction; and the county superintendent shall furnish the contract blanks to district clerks. All contracts for transportation, or anything in lieu of transportation, must be drawn in triplicate, signed by both the district clerk and the chairman of the school board, and by the parents or legally appointed guardian of the children receiving transportation; except that when transportation is furnished by a carrier, the contract shall be signed by

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the district clerk, the chairman of the school board and by the carrier. *Each contract for individual transportation shall contain a signed affidavit by the parent or guardian of the child, as to his place of residence. For the purposes of this act and also for purposes of paying tuition, residence shall be defined as that place where the applicant resides with his family for at least eighty (80) days during the calendar year, when school is not in session.* One copy must be filed in the office of the county superintendent of schools, one copy retained by the district clerk and one copy given the person furnishing such service. The county superintendent of schools shall send a notice to the county treasurer, immediately after receiving a copy of each contract, which notice shall acquaint the county treasurer with the names of the contracting parties, the number of the district paying transportation, and the amount of the contract. The county treasurer shall not honor any warrant drawn in excess of the total monthly, or six-weeks transportation payment, allowed by contract, and positively shall honor no warrant drawn upon a district which does not hold a contract. Trustees shall not pay any contract installment, for transportation or services in lieu thereof, before such service has been rendered nor before the district clerk receives a report from the *superintendent, principal or* teacher of the school where the children receiving transportation are attending. Such report must contain a record of attendance for the monthly or six-weeks transportation period being paid for; and must state the actual number of days children were actually transported, provided, that, such reports shall not apply to regularly contracted bus transportation. It shall be the duty of all public school teachers to make such reports as are hereby required. No parent or guardian may be paid transportation for any day that children, living three *(3)* or more miles from school, walk to and from school. Payments for transportation furnished one way, on any school day, may be allowed; and the payment for that day shall not exceed one-half (½) of the amount stipulated in the contract, for one (1) day. Before contracts are awarded to *any person, concern, or* common carrier, the board shall secure bids, by publishing a call for bids in three (3) issues of a newspaper having general circulation in the county, during a period of twenty-one (21) days prior to the letting of the contract; provided, that, in the event there is no news-

Residence of child.

Limitation upon payments for transportation.

Bids required before awarding contracts.

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paper published in the county, three (3) notices, calling for bids, shall be posted in three (3) separate and conspicuous places in the district. The board shall let the contract to the lowest responsible bidder; provided, that the board shall have the right to reject any and all bids.

Amendment of Sec. 75-3406, Rev. Codes, 1947.

Section 4. That Section 75-3406 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Requirements as to busses.

"Section 75-3406. **Requirements as to Busses, Drivers and Operation of School Busses.** Any person or persons having a contract to transport school children, or any school district owning and operating its own school busses, shall comply in every respect *with the regulations of the state board of education for the operation and safety of school busses;* provided, that, the board of trustees may require added safeguards, by supplementing in the contract the *regulations of the state board of education,* with additional regulations relating to bus specifications, age of drivers, liability insurance and operating speed; provided, that a district, owning and operating its own bus or busses, must carry personal liability insurance in the amount of not less than ten thousand dollars ($10,000.00) if only one (1) bus is operated, or an aggregate blanket amount of not less than fifteen thousand dollars ($10,000.00), if two (2) or more busses are operated; *and further provided that every driver of a bus or other vehicle on an established and approved school bus route shall have completed a standard first aid course and shall hold a valid standard first aid certificate from an authorized instructor. Rules and regulations governing the issuance of this certificate shall be formulated by the state superintendent of public instruction, provided, however, that this requirement may be suspended pending reasonable opportunity for securing the first aid course and certificate.*

Liability insurance.

Qualifications of drivers.

Amendment of Sec. 75-3407, Rev. Codes, 1947, as amended.

Section 5. That Section 75-3407 of the Revised Codes of Montana, 1947, *as amended by Chapter 200, Laws of 1949,* be, and the same is hereby amended to read as follows:

Schedule of pay in lieu of bus transportation.

"Section 75-3407. **Schedule for Paying for Individual and Bus Transportation, Rent or Board in Lieu of Bus Transportation Provided by the District.** The board of trustees may pay to the parents or legally appointed guardian of each child, eligible to transportation under this

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act, board or rent or provide transportation for the child, the amount called for under the following schedule in lieu of furnishing bus transportation.

(a) Three (3) and less than five (5) miles, one (1) child, thirty cents ($0.30) per day for each day attended; for each additional child, twelve cents ($0.12), but not to exceed sixty-six cents ($0.66) per day for all children residing in the same household and attending a public school.

(b) Five (5) to less than seven (7) miles, one (1) child, thirty-six cents ($0.36); for each additional child twelve cents ($0.12) but not to exceed eighty-four cents ($0.84) per day for all children residing in the same household and attending a public school.

(c) Seven (7) to less than twelve (12) miles, one (1) child, forty-eight cents ($0.48); for each additional child tweve cents ($0.12); but not to exceed one dollar and *eight cents ($1.08)* per day for all children residing in the same household and attending a public school.

(d) Twelve (12) miles or over, one child, sixty cents ($0.60) per day; for each additional child twelve cents ($0.12); but not to exceed one dollar and twenty cents ($1.20) per day for all children residing in the same household and attending a public school.

(e) School children living within one and one-half (1½) miles of an established bus route shall not be eligible for transportation aid, other than the services of the established route. Children living more than one and one-half (1½) miles but less than three (3) miles from such route shall receive transportation aid of one-half (½) the rates given in subsection (a) of the schedule set up in this section. Children living three (3) miles or more from such bus route shall receive transportation aid on the basis provided in the schedule fixed in this section.

(f) This schedule shall not be so construed as to permit elementary and high school pupils to be counted as coming from separate households, except, when said children are compelled to attend public schools in entirely separate communities, and cannot thus be transported in the same conveyance, nor cared for in the same community.

(g) The limitations for this act shall not apply to

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Transportation within a city excepted.

transportation within the city or school district when the board of trustees find it economical, convenient or desirable to transport children for a distance less than three (3) miles in order to relieve congestions in a school building or to prevent the erection of new buildings, or when children live on an established school bus route and less than three (3) miles from school.

In isolated cases, schedule may be altered.

(h) In isolated cases where *due to isolation pupils must live away from home to attend school or due to excessive distances, impassable roads or special circumstances where parents cannot transport their children* payments in accordance with the above schedule *are* inadequate and adherence to such schedule would subject the parents or guardians of a school child or the child himself to financial or physical hardship the schedule may be altered by the *county transportation committee* subject to written approval by the state superintendent of public instruction; provided, that, in no case shall the altered schedule allow more than thirty dollars ($30.00) per month for one child, twelve dollars ($12.00) per month for the second child, and six dollars ($6.00) per month for each child in addition to two (2) from the same family. *A degree of isolation chart shall be provided school district trustees by the state superintendent of public instruction to serve as a guide in requesting increased transportation due to isolation.*

Application for alteration of schedule.

The applicant for such alteration of the schedule shall submit a written statement in duplicate to the board of trustees of the district which is obligated to make payment for transportation or services in lieu thereof, and to the *county transportation committee through the county superintendent,* stating the special facts and circumstances upon which he relies to justify the alteration. The county *transportation committee* shall not act upon any such application unless it has been approved by the district board.

Final approval by state superintendent.

If such application be approved by the county *transportation committee* and alteration of the schedule will result in increased payments to be made by the state to the district, the application and pertinent data and the decision of the county *transportation committee* shall be submitted to the state superintendent of public instruction for final approval or disapproval.

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(i) Except as provided above, this schedule shall not be altered by any authority, other than the legislative assembly of the State of Montana.

(j) Schedule for maximum expenses for bus transportation to be reimbursed from state funds. The maximum expenditures which may be reimbursed to any school district from the state public school equalization fund for school bus transportation furnished by *any* school district either by *the* operation of a school bus or busses, owned or hired by it, or by contract with a school bus operator, *over an official bus route, established by the board of trustees, approved by the county transportation committee and the state superintendent of public instruction and in a vehicle approved under the regulations of the state board of education by the state highway patrol* shall be as follows:

Schedule for maximum expenses for bus transportation to be reimbursed from state funds.

1. *For a vehicle having a rated capacity of six (6) pupils or less, twelve ($0.12) cents per bus mile.*

2. *For a vehicle having a rated capacity of seven (7) to eleven (11) pupils inclusive, fifteen ($0.15) cents per bus mile.*

3. *For a vehicle having a rated capacity of twelve (12) to thirty (30) pupils inclusive, twenty ($0.20) cents per bus mile.*

4. *For a vehicle having a rated capacity of over thirty (30) pupils the rate established by subsection three (3) above plus the sum of one-half cent ($0.005) per bus mile traveled over the official route for each additional pupil rating in excess of thirty (30).*

5. *The rated capacity will be established by regulations adopted by the state board of education and for reimbursement purposes shall not exceed the number of pupils transported by twenty-five percent (25%).*

(k) No child attending public elementary school shall be required by any school board to ride a school bus, under average road conditions, more than one (1) hour per trip of said child in said school bus, without the consent of the child's parents or guardian.

(l) For the purpose of developing economy and effi-

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ciency in the transportation of school children, the state superintendent of public instruction shall be authorized with the approval of the state board of education to employ a competent person as supervisor of transportation. Not less than one-half (½) of his time shall be devoted to this service. The other time may be spent as provided by law or as otherwise provided. His salary and expenses shall be paid in proportion to time spent as transportation supervisor, from the transportation funds as approved by the state board of education.

Amendment of Sec. 75-3412, Rev. Codes, 1947.

Section 6. That Section 75-3412 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Settlement of transportation matters in controversy.

"Section 75-3412. **Settlement of Transportation Matters in Controversy.** All transportation matters in controversy shall be settled by the *county transportation committee hereinafter defined.* Provided, that, if the applicant for transportation feels that he has not met with justice in the decision of the *county transportation committee,* he may appeal to the state superintendent of public instruction; in which case, the county superintendent shall send to the state superintendent of public instruction all data and evidence connected with the case.

County transportation committees created.

(a) *To facilitate and administer the policies relating to the transportation of school pupils there are hereby created county transportation committees. Such committees shall be organized in each county and shall consist of the county superintendent of schools and one or more representatives chosen by each high school board of trustees from among their own number including the superintendent. Provided, however, that the county transportation committee shall have not less than five members and each district maintaining a high school shall have equal representation. The county superintendent of schools shall be chairman of this committee and a quorum shall consist of two-thirds of the membership. It shall be the duty of the county transportation committee to approve bus routes and applications for increased transportation payments, and to act in all controversies resulting from transportation matters.*

When the transportation interests of a district are effected by the actions and interests of the county trans-

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portation committee of another county, it shall be represented on the county transportation committee of both counties, but shall have a voice only in matters effecting its high school.

School district which objects to bus route, remedies provided

Any school district which objects to the particular bus route or transportation area to which it has been assigned may upon vote of its board of trustees signifying such objection, be assigned to an adjoining district or transportation area which maintains a public high school, provided that the board of trustees of the latter school is willing to have such district assigned to its area. In case of a continued disagreement, on the initiative of a petition signed by 20% of the qualified electors of any district indicating dissatisfaction with the area to which it has been assigned the board of trustees shall place the matter of which area to belong to at the trustee election in April; provided, however, that if such pupils are not transported to the nearest high school, the state reimbursement shall be limited to the amount which would be paid if they were transported to the nearest high school, unless such attendance has been approved by the county transportation committee and the state department of public instruction. The state board of education through the state superintendent of public instruction shall formulate such rules and regulations as may be necessary for establishing high school transportation areas and for carrying out the purposes of this act; provided, however, that such regulations shall not prevent or deny to any parent the right to transport or arrange for transportation of his children at his own expense to the high school of any district willing to accept them. Any patron of a school district or portion of a school district dissatisfied with transportation matters in his county shall have the right of appeal to the county transportation committee and to the state superintendent of public instruction.

Amendment of Sec. 75-3413, Rev. Codes, 1947, as amended.

Section 7. That Section 75-3413 of the Revised Codes of Montana, 1947, *as amended by Chapter 200, Laws of 1949,* be, and the same is hereby amended to read as follows:

Reimbursements.

"Section 75-3413. **Reimbursements.** (a) Each school district and each county high school meeting the requirements of this act shall be entitled to reimbursement from

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the state public school general fund in an amount of one-third (⅓) of the schedule provided for transportation, or services rendered in lieu of transportation, annually on presentation to the state superintendent of public instruction, through the office of the county superintendent of schools, *of* certified claims for such reimbursement using for such purpose the forms provided by the state superintendent of public instruction. *A school bus route which travels through several school districts shall have the county and state reimbursements pro-rated among the school districts which are served by this bus route by the county transportation committee and* that the *schedules* provided in this act for individual transportation *and bus transportation* or services in lieu thereof, shall be used instead of any schedule which may have been heretofore or may hereafter be fixed and promulgated by the state board of education. In determining the cost of transportation or services in lieu thereof, no amount shall be included except those which have been paid out by a school district or county high school in the regular manner provided for the payment of other financial obligations for the maintenance of their schools.

Districts maintaining elementary school or transporting pupils to another district.

(b) Each school district maintaining one or more elementary schools, or providing for the transportation of its elementary pupils to attend school in another district, meeting the requirements of this act, shall be entitled to reimbursement from the county common school fund provided by the tax levy authorized and made in accordance with the provisions of section 75-3706, *as amended,* of one-third (⅓) of the schedule provided for transportation, or services rendered in lieu thereof, semi-annually, such reimbursement to be made on duplicates of the certified claims for reimbursement by the state. No apportionment shall be made of such common school fund in either June or December in each year until after such reimbursements therefrom have been made to such school districts. (As last amended by Chapter 200, Laws of 1949.)''

Amendment of Sec. 75-3414, Rev. Codes, 1947.

Section 8. That Section 75-3414 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

''Section 75-3414. (a) **Budgets and Levies for Transportation.** The board of trustees of any school district main-

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taining an elementary school, or schools, or providing for the transportation of its pupils to attend an elementary school or schools, outside of the district, or furnishing services in lieu thereof, shall have the authority and it shall be its duty to provide and adopt a complete transportation budget therefor, which budget shall show in detail and by items the estimated expenditures and receipts for the school year for which it is provided. The form of such transportation budget shall be prescribed by the state superintendent of public instruction. The total amount of the estimated expenditures, as shown by such transportation budget, shall be shown and included in the elementary school budget form and the estimated receipts from reimbursements, as shown in such transportation budget, shall be shown and included in the elementary budget form as provided.

Budgets and levies for transportation.

(1) *When the total elementary transportation budget has been presented in detail on approved forms including the contracting, operation, maintenance, rent or purchase of school busses, individual transportation, and increased transportation due to isolation, and after deducting all estimated receipts including reimbursements, the balance of the budget shall be paid out of receipts from a tax levied upon all the taxable property of the school district.*

What to be paid from district taxes.

(2) The board of trustees of every school district maintaining a high school, or furnishing transportation for its pupils to another high school, or services in lieu thereof, and the board of trustees of every county high school, shall have the authority and it shall be its duty to provide a complete transportation budget therefor, *including the contracting, operation, maintenance, rent or purchase of school busses, individual transportation, and increased transportation due to isolation, or any service in lieu of transportation. The* budget shall show in detail and by items the estimated expenditures and receipts, including the state transportation reimbursements, for the school year for which it is provided. The form of such transportation budget shall be prescribed by the state superintendent of public instruction. A copy of the high school transportation budget adopted for each high school shall be transmitted by the county superintendent of schools to the state superintendent of public instruction at the same time copies of the final high school budgets are required to be

Districts maintaining a high school or transporting pupils to another high school — transportation budget required.

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so transmitted. For each high school transportation budget *arrived at according to the schedule set up in Section 75-3407, Revised Codes of Montana, 1947, as amended,* the amount remaining after deducting all estimated *local* receipts, including *cash balances and* state transportation reimbursements from the total amount required for the transportation *budget according to the schedule,* shall be the amount required to be raised by tax levy for such high school transportation budget, and the total of all such amounts required to be raised by tax levy for all such high school transportation budgets shall be the total amount required to be raised by county-wide transportation levy, and the county commissioners, except as hereinafter provided, shall make a county-wide levy of such number of mills as will raise such total amount; provided that *this amount shall not be more than two-thirds (2/3) of the total of each high school transportation budget according to the schedule as set forth in section 75-3407. The amount remaining in each high school transportation budget over and above the amount arrived at according to the schedules in section 75-3407, as amended, shall be the amount required to be raised by tax levy for each such high school transportation budget and all such amounts required to be raised by tax levy for each such high school transportation budget shall be the total amount required to be raised by high school transportation levy on the high school district if there be one; and in case of a county high school by a county levy, excluding those districts maintaining high schools, otherwise on the common school district, of which each particular high school is a part, and the county commissioners shall make a levy of such number of mills as will raise such needed amount;* provided that the amount budgeted for high school transportation in any high school budget shall not be deemed or considered as a part of or included within the maximums for high school budgets as fixed and determined by *Chapter 199, Laws of 1949, as amended,* and the county-wide high school transportation levy herein provided for shall not be deemed or construed as a part of the county-wide high school levy authorized by Section 15, *Chapter 199, Laws of 1949, as amended,* unless the trustees making such budget so desire and the board of county commissioners find that such high school transportation levy is not required to raise the amount

Amount of levy.

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necessary for such budget for all purposes including transportation or services in lieu thereof.

Repealing clause.

Section 9. That the following sections of the Revised Codes of Montana of 1947, be, and the same are hereby repealed to wit: Section 75-4119, 75-4145, 75-3301, 75-3302, 75-3303, 75-3304, 75-3305, 75-3306, 75-3307.

General repealing clause.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 11. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 5, 1951.

CHAPTER 190

An Act to Amend That Portion of the Workmen's Compensation Act Contained in Chapter 7 of Volume 6 of the Revised Codes of Montana of 1947 by Adding Thereto a New Section to Be Known as Section 92-709A; Encouraging the Employment of Disabled Veterans and Other Disabled Persons; Providing for Payment of Workmen's Compensation for a Second Injury; Creating a Second Injury Fund in the Industrial Accident Board Through Payments from Employers, Insurers, and the Industrial Accident Fund; Appropriating Twenty Thousand and No/100 ($20,000.00) Dollars From the Industrial Accident Fund for the Purposes of This Act and Providing for the Repayment Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Chap. 7, Vol. 6, Rev. Codes, 1947.

Section 1. That that portion of the workmen's compensation act contained in Chapter 7 of Volume 6 of the Revised Codes of Montana of 1947 be, and the same is hereby amended by adding thereto a new section to be known as section 92-709A and reading as follows:

Permanent and total Disability created by a second injury.

92-709A. Permanent and Total Disability Created by a Second Injury — Second Injury Fund. (1) If an employee who has previously lost, or lost the use of, one hand, one arm, one foot, one leg, or one eye, from any cause or origin and irrespective of compensability becomes permanently and totally disabled through the loss, or loss of

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use, of another such member or organ, the employer, insurance carrier, or industrial accident fund, as the case may be, shall be liable only for the compensation payable for such second loss; provided, that in addition to such compensation and after the completion of the payments therefor, the employee shall be paid the remainder of the compensation that would be due for permanent total disability, out of a special fund known as the "second-injury fund," and created for such purpose in the following manner:

"Second injury fund."

In every case of the death of an employee under this act, where there is no person entitled to compensation, the employer if under plan I, or his insurance carrier if under plan II, or the industrial accident fund if under plan III, shall pay to the second injury fund of the industrial accident board the sum of five hundred and no/100 ($500.00) dollars to be deposited for the benefit of said fund, and the board shall direct the distribution thereof.

Payment to be made in case of death of employee leaving no person entitled to compensation.

When in the judgment of the industrial accident board, the amount of money in the second injury fund is such that there is a surplus above and beyond known liabilities, the board may in its discretion suspend or decrease further collection of assessments for a period of time to be determined by the board but in no event to exceed one calendar year.

Board may suspend or decrease assessments.

(2) There is hereby appropriated from moneys in the industrial accident fund the sum of twenty thousand and no/100 ($20,000.00) dollars to immediately create said second injury fund and to pay the compensation provided for in this act. When in the judgment of the industrial accident board, the contributions to the second injury fund so warrant, the board shall direct the reimbursement of the industrial accident fund out of said second injury fund. In addition to the reimbursement hereinabove directed to be made, the board shall cause to be paid to the industrial accident fund from said second injury fund, when contributions thereto so warrant, interest at the rate of 3% per annum upon said sum of twenty thousand dollars ($20,000.00) hereinabove appropriated or upon such portion thereof as may from time to time remain in said second injury fund.

Appropriation for second injury fund.

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Section 2. This act shall take effect and be in full force from and after its passage and approval. Effective date.

Approved March 5, 1951.

CHAPTER 191

An Act to Amend Sections 43-103 and 43-104 of the Revised Codes of Montana, 1947, for the Purpose of Apportioning the Membership of the House of Representatives in the Legislative Assembly in Accordance With the Federal Census Enumeration of the Inhabitants of the Several Counties of Montana Taken in 1950.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 43-103 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows: Amendment of Sec. 43-103, Rev. Codes, 1947.

"43-103. **Apportionment of Legislative Assemblies.** That after the expiration of the *Thirty-second* Legislative assembly of the State of Montana, the membership of the house of representatives of all legislative assemblies of Montana shall be apportioned amongst, and to the several counties of the state, upon and according to the official federal census enumeration of the inhabitants of the several counties of Montana, as taken by authority of law in the year of *1950,* and upon the ratio of one (1) representative, or member, therein from each county for each seven thousand (7,000) persons in such county, or fractional part thereof in excess of three thousand five hundred (3,500) persons; provided that each county now created, shall be entitled to at least one (1) member." Apportionment of legislative assemblies subsequent to the thirty-second assembly.

Section 2. That Section 43-104 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows: Amendment of Sec. 43-104, Rev. Codes, 1947.

"43-104. **Number of Representatives from Each County.** In accordance therewith each county of the state shall be entitled to, and shall elect at each biennial general, state and county election, the number of members of the house of representatives in the legislative assembly of Montana herein below allotted and apportioned to it and set opposite its name as follows: Number of representatives from each county.

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Beaverhead County	One member
Big Horn County	One member
Blaine County	One member
Broadwater County	One member
Carbon County	*One member*
Carter County	One member
Cascade County	*Seven* members
Chouteau County	One member
Custer County	*Two members*
Daniels County	One member
Dawson County	One member
Deer Lodge County	Two members
Fallon County	One member
Fergus County	Two members
Flathead County	*Four* members
Gallatin County	Three members
Garfield County	One member
Glacier County	One member
Golden Valley County	One member
Granite County	One member
Hill County	Two members
Jefferson County	One member
Judith Basin County	One member
Lake County	Two members
Lewis and Clark County	Three members
Liberty County	One member
Lincoln County	One member
McCone County	One member
Madison County	One member
Meagher County	One member
Mineral County	One member
Missoula County	*Five* members
Musselshell County	One member
Park County	Two members
Petroleum County	One member
Phillips County	One member
Pondera County	One member
Powder River County	One member
Powell County	One member
Prairie County	One member
Ravalli County	Two members
Richland County	One member
Roosevelt County	One member
Rosebud County	One member

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Sanders County .....One member
Sheridan County .....One member
Silver Bow County .....*Seven* members
Stillwater County .....One member
Sweet Grass County .....One member
Teton County .....One member
Toole County .....One member
Treasure County .....One member
Valley County .....Two members
Wheatland County .....One member
Wibaux County .....One member
Yellowstone County .....*Eight* members."

Approved March 5, 1951.

CHAPTER 192

An Act to Amend Section 84-4701 of the Revised Codes of Montana, 1947, Relating to the Limitation On Amount of Tax Levy for General Municipal or Administrative Purposes in Cities and Towns; Providing for the Distribution of the Funds Derived Therefrom by the Council or Commission in Each City or Town; Providing the Limitation on the Amount of Tax Levy for Parks, Swimming Pools, Skating Rinks, Playgrounds, Civic Centers, Youth Centers, Museums and Combinations Thereof; Amending Said Section By Raising the Limitation on the Tax Levy for General or Administrative Purposes from One and Four-tenths (1.4%) per centum for Cities of Thirty-five Thousand (35,000) Population or Over and from One and Three-fourths (1¾%) Per Centum for All Other Cities and Towns to Two (2%) Per Centum for All Cities and Towns Based on the Per Centum of Assessed Value of the Taxable Property of the City or Town.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 84-4701, Rev. Codes, 1947.

Section 1. That Section 84-4701 of the Revised Codes of Montana, 1947, be, and the same is amended to read as follows:

"84-4701. **Limitation on Amount of Tax for Municipal Purposes—Distribution of Funds—Levy for Park, Swimming Pools, Playgrounds, Youth Centers and Other Pur-**

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Limitation of amount of tax for municipal purposes.

Distribution of funds.

Additional levy not exceeding six mills for specified purposes.

poses. The amount of taxes to be assessed and levied for general municipal or administrative purposes in cities *and towns* must not exceed *two (2%)* per centum on the per centum of the assessed value of the taxable property of the city or town; and the council *or commission* in each city or town may distribute the money collected into such funds as are prescribed by ordinance; provided, that for the purpose of procuring, equipping and maintaining public parks, swimming pools, skating rinks, playgrounds, civic centers, youth centers, museums and combinations thereof, the council *or commission* in any city or town may assess and levy, in addition to the said levy for general municipal or administrative purposes, not exceeding six (6) mills on the dollar on the per centum of the assessed value of the taxable property of the city or town."

Approved March 5, 1951.

CHAPTER 193

An Act to Encourage Industrial Safety in Montana and Providing for Employers' and Employees' Duties as to Safety; Providing Code-Making Power for the Industrial Accident Board and Providing for the Establishment of Safety Codes for Industry in Montana to Take Effect in Thirty Days After the Filing of Certified Copies in the Office of the Secretary of State; for the Publishing of Said Codes; Permitting the Chairman of the Industrial Accident Board to Provide for Variations in Codes; Providing for Court Review of the Action of the Industrial Accident Board; Establishing Penalties for Failure to Comply With Codes; Providing for Separability.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** When used in this act: (a) "Board" shall mean the Industrial Accident Board of the State of Montana;

"Employer."

(b) "Employer" includes a person, firm, corporation, partnership, association, receiver or trustee in bankruptcy having one or more persons in his or its employ, or any person acting in the interest of an employer, directly or indirectly, but the term shall not apply to any person as

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an employer of employees engaged in domestic service or agricultural pursuits;

(c) "Code" shall mean a standard body of rules for safety formulated, adopted and issued by the board under the provisions of this act; "Code."

(d) "Amendment" shall mean such modification or change in a code as shall be intended to be of universal or general application; "Amendment."

(e) "Variation" shall mean a special limited modification or change in a code which is applicable only to the particular place of employment of the employer or person petitioning for such modification or change. "Variation."

Section 2. **Employers' Duties as to Safety.** (a) Every employer shall furnish a place of employment which shall be safe for the employees therein and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such places of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees; Employers' duties as to safety.

(b) Every employer and every owner of a place of employment, shall repair, and maintain the same as to render it safe. If any civil suit or action brought against a landlord by an employee or by a member of the public for recovery of damages for injury or death the provisions of this section shall not be construed to apply or in any way increase or affect the present liability of said landlord.

Section 3. **Code-Making Power.** (a) In addition to such other powers and duties as may be conferred upon it by law, the Industrial Accident Board shall have the power to promulgate, amend, repeal and enforce rules and regulations for the prevention of accidents to be known as "Safety Codes" in every employment and place of employment, including the repair and maintenance of places of employment, to render them safe. In the performance of its duties, the Industrial Accident Board shall appoint advisory committees to deal with specified industries composed of employers and employees to suggest safety codes or amendments thereto. The membership of each committee shall consist of at least five (5) members, two- Code-Making Power.

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fifths (2/5) of which number shall represent labor, two-fifths (2/5) shall represent employers, and one-fifth (1/5) represent the general public. One person representing the general public shall be chairman of each committee. No code may be adopted by the Industrial Accident Board without the approval of said committee. All such safety codes, rules and regulations shall, when adopted, be not inconsistent with the then existing widely accepted safety codes of such engineering bodies as the American Society of Mechanical Engineers, the American Standards Association, the American Society of Safety Engineers, and other accepted codes. Any amendments made to such codes by said board shall be such that when amended such codes shall be consistent with the widely accepted safety codes as then existing.

Public hearing before adoption, amendment or repeal of code.

(b) Before any code is adopted, amended or repealed, there shall be a public hearing thereon, notice of which shall be published at least once, not less than ten days prior thereto, in such newspapers or newspaper of general circulation as the board may prescribe. A record shall be made of all proceedings at such public hearings.

(c) All codes and all amendments thereto and repeals thereof shall, unless otherwise prescribed by the board, take effect thirty days after certified copies thereof shall be filed in the office of the secretary of state.

Publication code, amendment or repeal thereof.

(d) Every code adopted and every amendment or repeal thereof shall be published in such manner as the board may determine. A printed list of the titles of all codes including amendments thereof issued and adopted by the board under the provisions of this act, together with the dates of adoption thereof, shall be published from time to time.

Variations.

Section 4. **Variations.** Any employer may consult with the Industrial Accident Board, for advice and assistance in complying with the provisions of this act or any codes adopted thereunder. In case of practical difficulties the board may grant variations from particular provisions of a code and permit the use of other or different devices or methods; provided, however, that such variation shall be granted only when it is clear that the reasonable safety of the workers in said plant is not thereby endangered. In any case where the Industrial Accident Board shall

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decline or refuse to grant any requests for variations on the grounds that the safety of the workers involved would be endangered, the said employer may, within thirty days of such refusal petition the board in writing for the variations denied. The petitioner shall state the grounds or reasons for requesting such variations. The board shall fix a day for a hearing on such petition and shall give reasonable notice thereof to the petitioner. A properly indexed record of all variations made shall be kept in the office of the Industrial Accident Board and be open to public inspection.

Court review.

Section 5. **Court Review.** (a) Any employer aggrieved by any decision of the board refusing to grant a variation pursuant to the provisions of Section four may, within thirty days after such decision, commence an action in the district court against the Industrial Accident Board for a review of such decision.

Aggrieved person may commence an Action in District Court against board.

(b) Any person aggrieved by the enforcement against him of any code adopted under this act, or any amendment thereof may, after its effective date, commence an action in the district court against the Industrial Accident Board to set aside such code or portion thereof on the ground that it is unlawful or unreasonable. The court may set aside such code or portion thereof if, upon all the evidence, it appears to the court that such code, or portion thereof is unlawful or unreasonable.

Notice of proceedings to be given to board.

(c) In any proceedings under this section the court shall order notice to be given to the board in such manner as it shall determine. Any such proceedings and the pleadings therein shall be governed by the laws and rules of practice applicable to other civil actions in such court.

Penalties.

Section 6. **Penalties.** Any employer or employee who intentionally refuses to comply with any safety code adopted by the board, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars ($500.00).

Separability of act.

Section 7. **Separability.** If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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Construction of act.

Section 8. Nothing in this act shall be construed to repeal or to limit or restrict in any way any present state law, statute, regulation or order governing the safety of health of employees in any place of employment.

Approved March 5, 1951.

CHAPTER 194

An Act to Create and Establish the Office of State Controller for the State of Montana; to Provide for the Appointment, Fix the Compensation, Term of Office and Bond, and Specify the Qualifications of the State Controller, and to Define His Powers and Duties; to Provide for the Establishment by Such Controller of a System of Expenditure and Budget Control; to Provide for Limiting the Expenditures and Specifying the Duties of All Officers, Departments, Boards, Bureaus, Commissions, Institutions and Agencies of the State of Montana in Relation to Said System of Expenditure and Budget Control; Providing for the Examination by the Controller of the Books and Accounts of Certain Institutions and Agencies, for Examination by Him Into the Financial Affairs of All State Institutions and Agencies, and for Plans for Improvements and Economies in the Organization and Operation Thereof; Providing for Tentative Budgets for All State Institutions and Agencies and for Revisions Thereof; Amending Sections 79-1002, 79-1004 and 79-1005, Revised Codes of Montana, 1947, Relating to State Budgets; Amending Section 82-102, Revised Codes of Montana, 1947, Relating to State Accountant; Amending Section 82-1901, Revised Codes of Montana, 1947, Creating the State Purchasing Department and Agent and Providing That the State Controller Shall Be Ex Officio the State Purchasing Agent; Providing for Assistance to the Legislature During the Consideration of Appropriation Measures and for Reports by the Controller; Providing for Preserving the Continuity of Official Action by and Appropriations for the Incumbent State Purchasing Agent and State Accountant and the State Controller Succeeding Them; Repealing Sections 79-1009, Relating to State Budgets and Sections 82-101, 82-103, 82-104, and 82-105, Revised Codes of Montana, 1947, Relating to

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State Accountant; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The office of State Controller for the State of Montana is hereby created and established. It shall be the duty of the governor, not later than the first day of April, 1951, to appoint a competent person to discharge the duties of said office until the next meeting of the Senate, when he shall nominate and, by and with the advice and consent of the Senate, shall appoint a competent person to fill such office. Succeeding appointments shall be made on or before the last day of January during the biennial session of the legislative assembly next preceding the commencement of the term for which the appointment is made. Said State Controller (hereinafter referred to as the controller) shall be a qualified elector of Montana and shall be selected with special reference to his training, experience, ability, and knowledge of the principles and practices of public budgeting and governmental accounting.

Office of state controller created.

Appointment of state controller.

Qualifications.

Section 2. The controller shall be appointed for a term of eight (8) years, commencing on the first day of April next following the date of his appointment, and shall be ineligible to succeed himself. He shall receive a salary of seven thousand dollars ($7,000.00) per annum, and all necessary traveling expenses. The controller shall take the constitutional oath of office and shall execute to the State of Montana a bond in the penal sum of fifty thousand dollars ($50,000.00), to be approved by the State Board of Examiners.

Term.

Salary.

Section 3. The controller may appoint a chief assistant and may employ such other persons as assistants, clerks and stenographers as may be necessary to carry out the duties of said office, and may fix their compensation; provided, however, that the total expenses of the controller's office shall not exceed in the aggregate during any fiscal year the amount appropriated for said office by the legislative assembly for such fiscal year.

Assistant and other employees.

Section 4. **Duties of Controller—Expenditure Control.** (a) The controller shall establish a system of financial control to the end that the functioning of the various de-

Duties of controller.

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partments of the state may be improved, that duplications of work done by different state departments and employees may be eliminated, the public service improved, and the cost of government reduced; and to that end the administrative head of each and every state office, department, bureau, commission, institution and agency (excepting the governor) shall, not more than thirty (30) days after the appointment of the controller in the year 1951, make, prepare and deliver or transmit to the controller a complete operating budget for the fiscal year beginning July 1, 1951, and shall annually thereafter, not later than sixty (60) days prior to the close of each fiscal year, prepare and deliver or transmit to the controller a complete operating budget for the next succeeding fiscal year. Such budget shall be in such form as shall be prescribed by the controller, and shall include for each year a final estimate of revenues and income, if any, which will accrue to such office, department, bureau, commission, institution or agency in addition to the appropriation made therefor by the legislative assembly. It shall be the duty of the controller to examine said budgets, and in the event the total of the proposed expenditures set forth in any thereof shall exceed the total of the revenues and appropriations available to meet such expenditures in said year, then the state controller shall reduce the amount of the items of expenditure in each such budget to an amount no greater than the total of the revenues and appropriations available to pay the same. No officer, department, bureau, commission, institution or agency shall expend any moneys in excess of the amount of the expenditures set forth in the operating budget thereof, as finally approved by the state controller.

Operating budgets of departments to be delivered to controller.

Control of budgets by controller.

(b) It shall be the duty of the controller to apply expenditures against cash funds wherever possible before using the general fund appropriations.

Amendment of Sec. 82-102, Rev. Codes, 1947.

Section 5. That Section 82-102, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Powers and duties of controller.

"82-102. **Powers and Duties.** The State *Controller* shall have the power, and it shall be his duty:

"1. To examine at least once every three (3) months, the books and accounts of the treasurer and secretary of

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each of the following institutions *and all branches thereof,* to wit: *Montana state university, Montana state college, Montana school of mines, western Montana college of education, eastern Montana college of education, northern Montana college, Montana state hospital, Montana state industrial school, Montana state training school, state vocational school for girls, school for the deaf and blind, state orphans' home, state prison, state tuberculosis sanitarium, state soldiers' home, and state home for the aged.*

Examination of books and accounts of state institutions.

"2. To prescribe the general methods and details of accounting for the receipt and disbursement of all moneys belonging to any of said institutions, or managed or controlled by them, and to require of all officers, directors, and other persons connected with the financial affairs of such institutions an adherence to such general method and details as are required by law or said state *controller* to be adopted and observed by such institutions.

To prescribe methods of accounting.

"3. After the examination of the affairs, books, and accounts of said institutions, to make full report of such examinations to the state board of examiners within thirty (30) days after such examination."

Report.

Section 6. **Duties of Controller—To Act with State Auditor and State Examiner.** (a) The controller, acting with the state auditor and state examiner, shall prescribe and install uniform accounting and reporting for the several state boards, bureaus, departments, commissions and institutions in addition to those enumerated in Section 5 hereof, showing the receipt, use, and disposition of all public money and property, and shall develop plans for improvements and economies in the organization and operation thereof which shall be submitted to the respective heads of such boards, bureaus, departments, commissions and institutions. Copies of all such plans shall be delivered to the governor and additional copies shall be retained in the office of the controller for inspection by the members of the legislative assembly.

Other duties of controller.

(b) The controller shall receive copies of all audits and reports of the state auditor and state examiner relating to all state departments, boards, bureaus, institutions and agencies and, without duplicating the work done in preparing such audits and reports, he shall have the power and it shall be his duty to examine into all financial af-

Audits and reports of state auditor and state examiner, to be delivered to controller.

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fairs of every state board, commission, bureau, department and institution for the purpose of developing plans for improvements and economies in the organization and operation thereof, and for the purpose of enabling him to properly perform any of the duties imposed upon him by this act.

Certain state officers and employees to make reports concerning fiscal matters.

(c) All officers, employees and other persons connected with the fiscal affairs of any state office, board, bureau, department, commission or institution must afford all reasonable facilities for the examination of accounts and investigations provided for in this act, and must make reports, returns and exhibits relating to such fiscal matters to the controller in such form as he shall prescribe; and the controller shall have and keep in his office the names of and amount of salary paid to each person regularly employed by the State of Montana and every agency thereof.

Roster of state employees.

Withholding of salary of state officers and employees pending compliance.

(d) If any officer or employee of the state or any agency thereof shall refuse or neglect to comply with subdivision (c) of this section, the salary of such officer or employee shall, on request of the controller to the proper official, be withheld until such recreant officer or employee shall comply therewith and the controller certifies approval to the disbursing officer.

Amendment of Sec. 79-1002, Rev. Codes, 1947.

Section 7. That Section 79-1002, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Request for annual appropriation.

"79-1002. **Request for Annual Appropriation.** Each department of the state government, and all state institutions and agencies requiring an annual appropriation from the state, shall present a request therefor to the *controller* on or before the first day of *September* of each year preceding a regular session of the legislative assembly."

Amendment of Sec. 79-1004, Rev. Codes, 1947.

Section 8. That Section 79-1004, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Blank forms for requests.

"79-1004. **Blank Forms for Requests.** All requests for appropriations shall be made upon blank forms to be *prescribed and* furnished by the *controller*. The blank

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forms shall be filled in according to the rules adopted by the *controller.*''

Section 9. **Duties of Controller—Budget Control.** Upon receipt of such requests for appropriations the controller shall examine the same for the purpose of determining the necessity of the appropriations so requested; and during the four-months period immediately preceding the convening of each legislative session the controller shall have in continuous process of preparation and revision a tentative budget for each office, department, bureau, commission, institution and agency, based upon the appropriation request received therefrom and upon his studies of the operations, plans and needs thereof. Said tentative budget shall be so designed and prepared as to provide for the maintenance of essential governmental services required under the constitution and laws of the state at a total cost within the limits of the anticipated revenue of the state with particular regard to the last preceding appropriation made by the legislative assembly, and shall separately set forth proposed expenditures approved by the controller, if any, requiring appropriations in amounts greater than said last preceding appropriation.

Preparation of tentative budget bi-ennially.

Section 10. That Section 79-1005, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 79-1005, Rev. Codes, 1947.

''79-1005. **Budget and Budget Bill.** The legislative assembly shall not appropriate any money out of the state treasury except in accordance with the following provisions:

Appropriations, provisions governing.

''(a) Every appropriation bill shall be either a 'Budget Bill' or a 'Supplementary Appropriation Bill' as hereinafter mentioned.

''(b) Budget. *At the time of* the convening of the state legislative assembly, the *controller* shall submit to the house of representatives and to the senate a *revised and final* budget, which shall contain a statement showing:

Revised final budget.

1. The total revenues and expenditures of the state for the preceding biennial period, and the estimated revenues and expenditures for the succeeding biennial period.

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2. The current assets and liabilities, reserves and surplus or deficit of the state.

3. All debts and the amount of all moneys in the state treasury to the credit of each fund.

4. All revenues, expenditures and balances for the preceding biennial period and the requests for the succeeding biennial period showing the amounts, item by item.

"(c) The budget shall be divided into two parts and the first part shall be designated 'Governmental Appropriations' and shall embrace an itemized estimate of the appropriations for each of the two ensuing fiscal years;

"Governmental appropriations."

1. For the legislative assembly, showing the amounts necessary to pay the mileage and per diem of each member and per diem of all officers and attaches, and the several items for necessary incidental expenses;

2. For the executive department, as provided by law;

3. For the judiciary department, as certified to by the clerk of the supreme court, herein provided, and as provided by law;

4. To pay and discharge the principal and interest of any bonded indebtedness of the State of Montana;

5. For the salaries payable by the state under the constitution and laws of the state;

6. For the establishment and maintenance throughout the state of a thorough and efficient system of public schools, so far as the same may be necessary, in conformity with the constitution and laws of the state;

7. For such other purposes as are set forth in the constitution of the state.

"(d) The second part of the budget shall be designated 'General Appropriations' and shall include all other estimates and appropriations.

"(e) Budget Bill. The *controller* shall prepare *his* recommendations for the budget bill in the following manner:

Recommendations for budget bill, how prepared.

1. The recommendations of the *controller* shall be in the form of a budget bill, showing the amounts recommended for all the proposed appropriations.

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2. The recommendations of the *controller* shall designate the fund or funds from which each appropriation is proposed to be made.

3. The recommendations in the proposed budget bill may be itemized in such manner as the *controller* may deem necessary.

4. The proposed budget bill as hereinabove provided shall be submitted to the legislative assembly not later than the *first* day of the session."

Section 11. **Duties of Controller—Assistance to Legislative Assembly—Reports.** (a) It shall be the duty of the controller to make all such reports and to submit all such information and data as the legislative assembly may request, and he shall, when requested so to do, attend all meetings of the appropriations committee of the house of representatives and of the finance and claims committee of the senate, and the controller shall, during the consideration of appropriation measures by the house and senate, devote so much of his time thereto as may be required by the above-named committees, under the direction of the respective chairmen of said committees.

Reports and information to be submitted to legislative assembly.

(b) It shall further be the duty of the controller, not less than thirty (30) days before the convening of each regular session of the legislative assembly, to make full written report to the governor covering the work of his office, including therein any recommendations he deems necessary relating to the receipt, disbursement, and application of public funds, and recommendations for the amendment of existing laws or the enactment of new laws to improve the functioning of the several departments and agencies of the state or to promote greater economy and efficiency in public fiscal matters. Copies of said report shall remain on file in the office of the controller, and shall be available for inspection by members of the legislative assembly.

Report to governor.

Section 12. That Section 82-1901, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amendment of Sec. 82-1901. Rev. Codes, 1947.

"82-1901. **Creation of State Purchasing Department and Agent.** There is hereby created, of and for the State of Montana, a department to be known as the State Pur-

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Controller to be ex-officio state purchasing agent.

chasing Department. Said department shall be in charge of a state officer to be known as the State Purchasing Agent. *From and after the first day of April, 1951, the State Controller shall be ex officio the State Purchasing Agent. He shall serve as such State Purchasing Agent for the term specified in section 2 hereof, and the salary fixed by section 2 hereof shall be in full payment for all services rendered by him as State Controller and as State Purchasing Agent.''*

Records and state property in possession of state purchasing agent and state accountant to be relinquished to controller.

Section 13. All records, books, documents, reports and correspondence of the incumbent state purchasing agent and the incumbent state accountant, and all other property of the state in the possession of them or either of them, shall, upon the first day of April, 1951, be transferred and relinquished to the controller for his use. The controller shall continue and complete any and all work undertaken and carry out all valid contracts entered into by said incumbent state purchasing agent and incumbent state accountant in such manner as to preserve the continuity of all official action taken by them or either of them. The salaries and expenses incurred in the operation of the controller's office from April 1, 1951 to June 30, 1951 shall be paid from the unexpended balances of the appropriations made by House Bill No. 442 of the 1949 Legislative Assembly of Montana for the salaries and expenses of the state accountant and state purchasing department; and there shall also be paid therefrom all salaries and expenses of the state accountant and state purchasing department which shall remain unpaid on April 1, 1951.

Saving clause.

Section 14. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The Legislative Assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Repealing clause.

Section 15. That Sections 79-1009, 82-101, 82-103, 82-104 and 82-105, Revised Codes of Montana, 1947, be, and the same are hereby repealed, such repeals and each thereof to be in full force and effect from and after the first day of April, 1951.

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Section 16. That all acts and parts of acts in conflict herewith are hereby repealed. General repealing clause.

Section 17. Sections 1 and 2 hereof shall be in full force and effect from and after the passage and approval of this act, and this act shall otherwise be in full force and effect from and after the first day of April, 1951. Effective date.

Approved March 5, 1951.

CHAPTER 195

An Act to Design, Engineer, Construct, Erect, Furnish and Equip a Suitable Building or Buildings at Great Falls, Montana, to Be Used as a State Grain Inspection Laboratory and for Other Divisions of the Department of Agriculture of the State of Montana; Providing for the Appropriation of Money From the General Fund for This Purpose; Providing for the Selection and Purchase of a Tract of Land to Be Used as a Site for Said State Grain Inspection Laboratory; Authorizing the State Board of Examiners to Select a Site Subject to the Approval of the Commissioner of Agriculture of the State of Montana; Authorizing the State Board of Examiners to Employ Architects to Design the Said Building or Buildings, and for the Construction of Said Building or Buildings; Authorizing the State Board of Examiners to Purchase Out of Any Remaining Monies, Furnishings and Equipment for Said Building or Buildings; Providing for the Effective Date of Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the state board of examiners are hereby authorized and empowered to select and purchase, subject to the approval of the commissioner of agriculture of the State of Montana, a site for a building or buildings at Great Falls, Montana, to be used as a state grain inspection laboratory and for other divisions of the department of agriculture of the State of Montana. Purchase of site for grain inspection laboratory at Great Falls authorized.

Section 2. After the site has been selected and purchased by the state board of examiners as herein provided, the said state board of examiners is hereby then author- Employment of architect to design building.

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ized to employ an architect to design said building or buildings out of the funds hereby appropriated.

Advertise and call for bids for construction.

Section 3. After the plans have been drawn by the architect, the said state board of examiners is hereby authorized to advertise and call for bids for the construction of said building or buildings and to let the contract to the lowest responsible bidder and the state board of examiners is hereby authorized to reject any and all bids and to make rules and regulations regarding the bond and insurance to be furnished by the contractor.

Furnishing and equipment.

Section 4. Out of any monies remaining after the construction of said building or buildings, the said state board of examiners is authorized to furnish and equip said building or buildings.

Appropriation.

Section 5. The following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the objects and purposes herein expressed for the period beginning July 1, 1951, and ending June 30, 1953.

Building or buildings at Great Falls, Montana, to be used as state grain inspection laboratory and for other divisions of the department of agriculture of the State of Montana.

FROM THE GENERAL FUND

Amount.

To design, engineer, construct, erect, furnish and equip a suitable building or buildings at Great Falls, Montana, to be used as a state grain inspection laboratory and for other divisions of the department of agriculture of the State of Montana, thirty thousand dollars ($30.000.00).

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 196

An Act Providing Educational Opportunities for the Children of Members of the Armed Forces of the United

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States Killed in Action or Dying as the Result of Disabilities Incurred in Action Since September 16, 1940, or Hereafter During the Present National Emergency, and Providing an Appropriation Therefor, Repealing Chapter 22 of the Session Laws of the Thirty-first Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Appropriation for a "War Orphans' Educational Fund."

Section 1. That the sum of ten thousand dollars ($10,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of creating and maintaining a "war orphans' educational fund" from which shall be paid, in whole or in part, the charges for the matriculation, tuition, board, room rent, books and supplies of such of the children of members of the armed forces of the United States who served on active duty after September 16, 1940, or shall hereafter serve on active duty during the continuance of the present national emergency, and who at the time of entry into such service had legal residence in this state, and who were heretofore, or shall hereafter be, either killed in action or shall have died as the result of injury or other disability incurred in action, as are now attending or may hereafter attend any of the units of the greater university of Montana during the period ending June 30, 1953, provided any such child shall enter such institution prior to attaining the age of twenty-one (21) years.

Charges to be paid from fund.

Eligibility of child for benefits.

Section 2. The state board of education shall determine the eligibility of any such child who shall make application for the benefits provided for in this act, and a finding by the United States veterans' administration that any such member was killed in action or died as the result of injury or other disability incurred in action shall be binding upon said board, but in the absence of such finding said board of education shall determine the facts.

Board of education to determine accuracy of charges submitted.

Section 3. The state board of education shall satisfy itself of the attendance of any such child at any such institution, and as to the accuracy of the charges submitted to said board by the authorities of any such institution on account of attendance thereof of any such child.

Section 4. Said state board of education shall determine the amount to be allotted to any such child, but in no

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Allotment to child, amount of limited.

event shall more than five hundred dollars ($500.00) be allotted to any one child in any fiscal year, and the sum allotted shall be paid direct to the institution attended by such child, upon due presentation of a claim therefor bearing the approval of the state board of education endorsed thereon.

Repealing clause.

Section 5. Chapter 22 of the Session Laws of the Thirty-first Legislative Assembly is hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 197

An Act Making It Unlawful for Any Life Insurance Company, Its Officers, Agents or Employees to Own, Operate or Maintain a Funeral or Undertaking Business; or Contract, or Agree With Any Funeral or Undertaking Establishment to Conduct the Funeral of Any Person Insured by Such Insurance Company; or for Any Funeral or Undertaking Establishment, Its Agents, Officers or Employees to Be Licensed as Agent, Salesman or Solicitor for Any Life Insurance Company Doing Business in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Life insurance companies forbidden to own or operate mortuaries.

Section 1. It shall be unlawful for any life insurance company, corporation or association, except fraternal benefit societies licensed to do business in this state to own, manage, supervise, or operate or maintain a mortuary or undertaking establishment, or to permit its officers, agents or employees to own, operate or maintain any such funeral or undertaking business.

Contract with funeral director or undertaker unlawful.

Section 2. It shall be unlawful for any life insurance company, sick or funeral benefit company, or any company, corporation or association engaged in a similar business to contract or agree with any funeral director, undertaker or mortuary to the effect that such funeral director, undertaker or mortuary shall conduct the funeral of any person insured by such company, corporation or association.

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Section 3. It shall be unlawful for any funeral director, undertaker or mortuary, or any agent, officer or employee thereof to be licensed as agent, solicitor or salesman for any life insurance company, corporation or association doing business in this state.

Funeral director or undertaker may not be licensed as agent or solicitor for life insurance company.

Section 4. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and each violation thereof shall be a separate offense, and upon conviction shall be punished by fine not exceeding one thousand dollars, ($1,000.00), or by imprisonment at hard labor for not exceeding six (6) months, or both such fine and imprisonment within the discretion of the courts.

Penalty.

Section 5. All acts or parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 5, 1951.

CHAPTER 198

An Act Creating the Montana Resources Development Board, Defining Its Powers and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purposes herein provided there is created the "Montana resources development board".

Montana Resources Development Board created.

Section 2. The board shall consist of three (3) members who shall be appointed by the governor. The board is hereby made a body politic and corporate.

Members.

Section 3. The board shall organize by selecting from its membership, a chairman and vice-chairman. It may select a secretary from among its members or a secretary who is not a member of such board.

Organization.

Section 4. It shall be the duty of such board to conduct a survey of the industrial and business opportunities and other possibilities of development in the state and to aid wherever possible in bringing new business to the state, and in encouraging business already established in the state to remain. It shall be the duty of such board to also

Duty of board.

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make a study of policies and action by the state, its officials, departments and commissions, which, in its opinion, should be adopted in order to encourage new business to come to the state and business already established within the state to remain, and in making such study it shall be the duty of all state officials, commissions, boards, and departments to give to the board, information which it might desire in making such study.

Report to legislature.

Section 5. The board shall make a report to the next session of the state legislature, relative to its activities and studies together with recommendations as to policies and action by the state, its officials, departments and commissions which should be adopted in order to encourage new business to come to the state and to encourage business already established in the state to remain, and said board shall report to the governor of the State of Montana at any time, upon request by him, in full or as to any part or division of the information acquired by it.

Records open to public.

Section 6. Its records and information acquired by it shall be open to the inspection of the public and to such persons as are interested therein.

By-laws and rules.

Section 7. The board may adopt all needful bylaws, rules and regulations for the conduct of the business and affairs of such board.

Existence of board ceases, when.

Section 8. The existence of the board shall expire and all its functions shall cease on December 31, 1952.

Effective date.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 199

An Act to Amend Section 71-204, Revised Codes of Montana, 1947, Relating to the Authority of the State Board of Public Welfare and Disclosure of Certain Information; Section 71-210, Revised Codes of Montana, 1947, Relating to the Authority and Activities of the State Department; Section 71-211, Revised Codes of Montana, 1947, Relating to the Board Acting as Agency of Federal Government and Assistance to Ward Indians; Sec-

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tion 71-216, Revised Codes of Montana, 1947, Relating to the Powers and Duties of the County Board; Section 71-221, Revised Codes of Montana, 1947, Relating to the Functions and Activities of the County Department; Section 71-222, Revised Codes of Montana, 1947, Relating to Per Capita and Millage Taxes to Be Levied, Expenditures and Budgets; Section 71-223, Revised Codes of Montana, 1947, Relating to the Right of Appeal; Section 71-306, Revised Codes of Montana, 1947, Relating to the Right of Appeal and Hearing; Section 71-308, Revised Codes of Montana, 1947, Relating to Medical Aid and Hospitalization; Section 71-309, Revised Codes of Montana, 1947, Relating to the Primary Obligations of the Board of County Commissioners; Section 71-311, Revised Codes of Montana, 1947, Relating to Grants from State Funds to Counties; Section 71-312, Revised Codes of Montana, 1947, Relating to Application for Relief; Section 71-313, Revised Codes of Montana, 1947, Relating to Investigations of Relief Applications; Section 71-314, Revised Codes of Montana, 1947, Relating to Granting of Assistance; Section 71-402, Revised Codes of Montana, 1947, Relating to Eligibility Requirements for Old Age Assistance; Section 71-403, Revised Codes of Montana, 1947, Relating to the Amount of Assistance; Section 71-404, Revised Codes of Montana, 1947, Relating to Application for Assistance; Section 71-405, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 155, Session Laws of 1949, Relating to the County Share of Participation; Section 71-406, Revised Codes of Montana, 1947, Relating to Investigation of Applications; Section 71-413, Revised Codes of Montana, 1947, Relating to Change of Residence of Person Receiving Old Age Assistance; Section 71-502, Revised Codes of Montana, 1947, Relating to Aid to Dependent Children Defined; Section 71-504, Revised Codes of Montana, 1947, as Amended by Chapter 50, of the Session Laws of 1949, Relating to Eligibility for Assistance in Aid to Dependent Children; Section 71-505, Revised Codes of Montana, 1947, Relating to Application for Assistance; Section 71-506, Revised Codes of Montana, 1947, Relating to Investigation of Applications; Section 71-507, Revised Codes of Montana, 1947, Relating to Granting of Assistance and Amount of Assistance; Section 71-510,

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Revised Codes of Montana, 1947, Relating to Removal to Another County; Section 71-604, Revised Codes of Montana, 1947, Relating to Eligibility for Aid to Needy Blind; Section 71-605, Revised Codes of Montana, 1947, Relating to Amount of Assistance; Section 71-606, Revised Codes of Montana, 1947, Relating to Application for Assistance; Section 71-607, Revised Codes of Montana, 1947, Relating to Investigation of Applications; Section 71-608, Revised Codes of Montana, 1947, Relating to Granting of Aid; Section 71-611, Revised Codes of Montana, 1947, as Amended by Section 2, Chapter 155, Session Laws of 1949, Relating to County Share of Participation; Section 71-612, Revised Codes of Montana, 1947, Relating to Change of Residence of Person Receiving Aid to Blind, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 71-204, Rev. Codes, 1947.

Section 1. That Section 71-204, Revised Codes of Montana, 1947, be amended to read as follows:

Authority of board.

"71-204. **Authority of Board—Disclosure of Certain Information Forbidden.** The state board is charged with the authority and duty to exercise general supervision and control over all activities and agencies as provided for in each part of this act.

Functions of administrator.

"The state board shall be limited in function to that of general policy and rules and regulations and all administrative and executive authority, functions and duties shall be vested in the state administrator, subject to the authority of the state board.

Duties of board.

"The state board shall be responsible for the adoption of such general policies, rules and regulations as are necessary for the government of the state department, county departments or any of its agencies, including specific regulations to prohibit political activities by employees of the state and county departments of public welfare. All such policies, rules and regulations shall conform to the federal social security act, the rules and regulations issued by the federal social security *administration* and also shall conform to the state welfare act, and all policies, rules and regulations so adopted by the state board shall be

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binding upon the several county departments and county boards of public welfare.

"The use or disclosure of information concerning applicants or recipients of *public assistance* for purposes not directly connected with the administration of *such* assistance, shall be unlawful, and shall constitute a misdemeanor. The state department of public welfare shall adopt all rules and regulations necessary to give effect to this provision."

Disclosure of certain information forbidden.

Section 2. That Section 71-210, Revised Codes of Montana, 1947, be amended to read as follows:

Amendment of Sec. 71-210, Rev. Codes, 1947.

"71-210. **Authority and Activities of the State Department.** The state department is hereby charged with authority over and administration or supervision of all the purposes and operations as set forth under the several parts of this act. The state department shall:

Authority and activities of state department.

"(a) Administer or supervise all forms of public assistance, child protection and child welfare;

"(b) Administer or supervise all child welfare activities, including importation and exportation of children; licensing and supervising of private and local child-caring agencies; the care of dependent, neglected and delinquent children in foster family homes, especially children placed for adoption or those of illegitimate birth;

"(c) *Give consultant service to* private institutions providing care for the needy, indigent, handicapped or dependent adults;

"(d) Develop and cooperate with other state agencies provisions for services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions and vocational guidance and training of the blind;

"(e) Provide services to county governments in respect to organization and supervision of county welfare departments for efficiency and economy in the administration of public welfare functions;

"(f) Prescribe and maintain minimum standards and salary rates for public welfare personnel in state and county departments, establish rules and regulations to

To prescribe standards and salary rates of personnel.

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maintain such standards, and furnish to the county welfare boards a list of qualified personnel who are available for appointment. Insofar as possible such personnel shall be residents of the county;

"(g) Assist and cooperate with other state and federal departments, bureaus, agencies and institutions, when so requested, by performing services in conformity with the purposes of this act."

Amendment of Sec. 71-211, Rev. Codes, 1947.

Section 3. That Section 71-211, Revised Codes of Montana, 1947, be amended to read as follows:

Board to act as agent of federal government.

"71-211. **Board to Act as Agency of Federal Government—Assistance to Ward Indians.** Act as the agent of the federal government in public welfare matters of mutual concern in conformity with this act and the federal social security act, and in the administration of any federal funds granted to the state to aid in the purposes and functions of the state department.

Assistance to ward Indians.

"The counties shall not be required to reimburse the state department any portion of old age assistance, aid to needy dependent children or aid to needy blind *or aid to the permanently and totally disabled* paid to ward Indians, further provided that counties shall not be required to pay general relief to ward Indians. A ward Indian is hereby defined as an Indian who is living on an Indian reservation set aside for tribal use, or is a member of a tribe or nation accorded certain rights and privileges by treaty or by federal statutes. If and when the federal social security act is amended to define a 'ward Indian', such definition shall supersede the foregoing definition."

Amendment of Sec. 71-216, Rev. Codes, 1947.

Section 4. That Section 71-216, Revised Codes of Montana, 1947, be amended to read as follows:

Powers and duties of county board.

"71-216. **Powers and Duties of the County Board.** The county board of public welfare shall be responsible for establishing local policies and such rules and regulations as are necessary to govern the county department and local administration of public welfare activities except that all such policies and rules and regulations must be in conformity with general policies and rules and regulations established by the state board. *The county board of public welfare shall review the determinations of eligibility and amount of payment to individuals made by the staff*

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of the county department for conformity with the aforesaid rules and regulations. Determinations not in conformity will be referred to the staff by the county welfare board for appropriate action as authorized by said board.''

Amendment of Sec. 71-221, Rev. Codes, 1947.

Section *5*. That Section 71-221, Revised Codes of Montana, 1947, be amended to read as follows:

Functions and activities of county department.

''71-221. **Functions and Activities of the County Department.** The county department of public *welfare* shall be charged with the local administration of all forms of public assistance and welfare operations in the county except that all such local administration must conform to federal and state law and the rules and regulations as established by the state *department.''*

Amendment of Sec. 71-222, Rev. Codes, 1947.

Section *6*. That Section 71-222, Revised Codes of Montana, 1947, be amended to read as follows:

Per capita and millage taxes to be levied.

Budget and expenditures.

''71-222. **Per Capita and Millage Taxes to Be Levied—Expenditures—Budgets.** It is hereby made the duty of the board of county commissioners in each county to levy the per capita tax of two dollars ($2.00), and the six (6) mills for the county poor fund as provided by law, or so much thereof as may be necessary. The board shall budget and expend so much of the funds in the county poor fund for all purposes of this act as will enable the county welfare department to pay the general relief activities of the county and to reimburse the state department of public welfare for the county's proportionate share of the administrative costs of the county welfare department *and of all public assistance* and its proportionate share of any other welfare activity that may be carried on jointly by the state and the county.

''The amounts set up in the budget for the reimbursements to the state department shall be sufficient to make all of these reimbursements in full. The budget shall make separate provision for each one of these public assistance activities, and proper accounts shall be established for the funds for each and all of such activities.

Copy of preliminary budget to be mailed to administrator.

''As soon as the preliminary budget provided for in Section 16-1903 has been agreed upon, a copy thereof shall without delay be mailed to the state administrator of public welfare, and it shall be his duty, at any time before the final adoption of the budget, to make such recommenda-

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tions with regard to changes in any part of the budget relating to the county poor fund as is deemed necessary in order to enable the county to discharge its obligations under the public welfare act.

Notice to county clerk by administrator.

"The state administrator shall promptly examine the preliminary budget so submitted to him in order to ascertain if the amounts provided for reimbursements to the state department are likely to be sufficient, and shall notify the county clerk of his findings. It is hereby made the duty of the board to make such changes in the amounts provided for reimbursements, if any are required, that the county will be able to make the reimbursements in full.

Transfer of amounts budgeted for reimbursing state department.

"The board of county commissioners shall not have the right to make any transfer from the amounts budgeted for reimbursing the state department without having first obtained a statement in writing from the state administrator of public welfare to the effect that the amount to be transferred will not be required during the fiscal year for the purposes for which the amounts were provided in the budget.

Restriction as to use of county poor fund.

"No part of the county poor fund, irrespective of the source of any part thereof, shall be used directly or indirectly for the erection or improvement of any county building so long as the fund is needed for general relief expenditures by the county or is needed for paying the county's proportionate share of *public assistance,* or its proportionate share of any other welfare activity that may be carried on jointly by the state and the county."

Amendment of Sec. 71-223, Rev. Codes, 1947.

Section 7. That Section 71-223, Revised Codes of Montana, 1947, be amended to read as follows:

Right of appeal.

"71-223. **Right of Appeal.** If an application for assistance under this act is not acted upon by the county *welfare board promptly or if a decision is made with which the* applicant or recipient *is not satisfied, he* may appeal to the state department for a fair hearing. The state department shall, upon receipt of such an appeal, give the applicant or recipient *prompt* notice and opportunity for a fair hearing. *The state department shall prescribe the manner and form in which appeals shall be made and shall adopt such rules and regulations as are necessary for prompt holding of fair hearings.*

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"The state department may also, upon its own motion, review any decision of a county department, and may consider any application upon which a decision has not been made by the county department within a reasonable time. The state department may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act.

Original jurisdiction of state department in relation to applications.

"In the case of the state department reviewing a county decision on its own motion, applicants or recipients affected by such decisions of the state department shall, upon request be given reasonable notice and opportunity for a fair hearing by the state department.

Notice and hearing, if requested.

"All decisions of the state department shall be final and shall be binding upon the county involved and shall be complied with by the county department."

Finality of decisions.

Section 8. That Section 71-306, Revised Codes of Montana, 1947, be amended to read as follows:

Amendment of Sec. 71-306, Rev. Codes, 1947.

"71-306. **Right of Appeal and Hearing.** *If an application for assistance under this part is not acted upon by the county welfare board promptly or if a decision is made with which the applicant or recipient is not satisfied, he may appeal to the state department for a fair hearing. The state department shall, upon receipt of such an appeal, give the applicant or recipient prompt notice and opportunity for a fair hearing.* Individuals or committees with complaints or grievances shall *have the opportunity to present their complaints or grievances to* either the county board or the state department and it shall be required that due consideration shall be given all proven facts presented by such individuals or committees and the county board or the state department shall be required to relieve such situations, if not otherwise prohibited by law and to the extent of funds available."

Right of appeal and hearing.

Section 9. That Section 71-308, Revised Codes of Montana, 1947, be amended to read as follows:

Amendment of Sec. 71-308, Rev. Codes, 1947.

"71-308. **Medical Aid and Hospitalization.** Medical aid and hospitalization for persons unable to provide such necessities for themselves are hereby declared to be the

Medical aid and hospitalization.

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legal and financial duty and responsibility of the board of county commissioners, payable from the county poor fund. It shall be the duty of the board of county commissioners to make provisions for competent and skilled medical or surgical services as approved by the state board of health or the state medical association, or in the case of osteopathic practitioners by the state osteopathic association or chiropractors by the state chiropractic association, or optometrical services as approved by the Montana optometric association, and dental services as approved by the dental association. 'Medical' or 'medicine' as used in this act refers to the healing art as practiced by licensed practitioners.

Transients injuried in automobile accidents.

"In automobile accident cases wherein transients traveling through the State of Montana are injured, medical aid and hospitalization shall be paid for by the county wherein the accident occurred and the department of public welfare shall reimburse such county in full upon proper claim being made to the department of public welfare."

Amendment of Sec. 71-309, Rev. Codes, 1947.

Section *10.* That Section 71-309, Revised Codes of Montana, 1947, be amended to read as follows:

Primary obligations of board of county commissioners.

"71-309. **Primary Obligations of the Board of County Commissioners.** It is hereby declared to be the primary legal duty and financial obligation of the board of county commissioners to make such tax levies and to establish such budgets in the county poor fund as provided by law and as are necessary to provide adequate institutional care for all such indigent residents as are in need of institutional care and to make such tax levies and establish such budgets in the county poor fund as are necessary to make provisions for medical aid and services and hospitalization for all indigent county residents. All such public assistance and services shall be charges against and payable from the county poor fund."

Amendment of Sec. 71-311, Rev. Codes, 1947.

Section *11.* That Section 71-311, Revised Codes of Montana, 1947, be amended to read as follows:

Grants from state funds to counties.

"71-311. **Grants From State Funds to Counties.** If the whole of a six (6) mill levy together with the whole of the per capita tax authorized by said Section 71-106, and the income to the county poor fund from all other sources shall prove inadequate to pay for the general relief in the

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county actually necessary and to meet the county's proportionate share of *public assistance* and its proportionate share of any other welfare activity that may be carried on jointly by the state and the county; and if warrants upon the county poor fund can no longer lawfully be issued to meet these charges; and if the board of county commissioners is unable to declare an emergency for the purpose of providing additional funds or to provide additional funds from any other source; and if the county has in all respects expended the county poor fund only for lawful purposes; and if all of these conditions actually exist in any county of the state, then the state department of public welfare shall, insofar as it has funds available, come to the assistance of such county, in the following manner:

"(a) When the county in question has submitted proof to the state board of public welfare through such reports as it may require and through other evidence that may be deemed necessary, that these conditions exist, then the state board may authorize the state administrator to issue a check to the county treasurer of the county for general relief purposes, and the county department of public welfare shall make the disbursements of these state funds for general relief purposes within the county. These grants-in-aid from the state department may be used for any relief activity lawfully conducted by the county, including medical aid, hospitalization and institutional care; but no part thereof may be used, directly or indirectly, to pay for the erection or improvement of any county building or for furniture, fixtures, appliances or equipment for any such building.

Use of grants-in-aid.

"Immediately upon receiving notice that such grant-in-aid has been made by the state department, it shall be the duty of the board of county commissioners to adopt an emergency budget in accordance with the provisions of section 16-1907 but without being required to publish any notice of intention to adopt such emergency budget or to hold a hearing thereon. This emergency budget shall appropriate the whole amount of the general relief grant from the state department for the various classes of expenditures from the poor fund for which the grant-in-aid was made by the state department. The money received through such general relief grant from the state department shall be placed in a special poor fund account kept

County commissioners to adopt an emergency budget.

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separate and distinct from the poor fund accounts arising under the original poor fund budget, and all expenditures from this special poor fund account shall be made by a separate series of warrants or checks."

Amendment of Sec. 71-312, Rev. Codes, 1947.

Section *12.* That Section 71-312, Revised Codes of Montana, 1947, be amended to read as follows:

"71-312. **Application for Relief.** Each applicant for general relief shall make application to the county department of public welfare and the application shall be made in the manner and on the form prescribed by the state department, provided, however, that no application form shall contain what is commonly known as 'the pauper's oath'. *All persons wishing to apply for general relief shall have the opportunity to do so.*"

Section *13.* That Section 71-313, Revised Codes of Montana, 1947, be amended to read as follows:

Investigations of relief applications.

"71-313. **Investigations of Relief Applications.** Whenever a county public welfare department receives an application for general relief assistance, an investigation shall be promptly made. *The investigation of each application for general relief assistance shall be conducted by the county board through a staff worker of the county department. Upon completion of such investigation the county welfare board shall determine whether the applicant is eligible for and should receive a grant, the amount of the grant, and the date on which assistance shall begin. Aid shall be furnished promptly to all eligible persons. Each applicant shall receive written notice of the decision concerning his application.*"

Amendment of Sec. 71-314, Rev. Codes, 1947.

Section *14.* That Section 71-314, Revised Codes of Montana, 1947, be amended to read as follows:

Granting of assistance.

"71-314. **Granting of Assistance.** The amount of assistance granted any person or family shall be determined by the county *board of public welfare according to the rules and regulations and standards of assistance established by the state department.*"

Amendment of Sec. 71-402, Rev. Codes, 1947.

Section *15.* That Section 71-402, Revised Codes of Montana, 1947, be amended to read as follows:

Eligibility requirements for old age assistance.

"71-402. **Eligibility Requirements for Old Age Assistance.** Old age assistance shall be granted any person who:

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"(a) Has attained the age of sixty-five (65); Age.

"(b) Has income which is inadequate to provide a reasonable subsistence compatible with decency and health; Inadequate income.

"(c) Has been a resident of the State of Montana for at least five (5) years during the nine (9) years immediately preceding his application for old age assistance; Residence in state.

"(d) Has resided in and been an inhabitant of the state and county in which application is made for at least one (1) year immediately preceding the date of *receipt of this assistance.* Any person otherwise qualified who has resided in the state for five (5) years or more during the nine (9) years immediately preceding the application, one (1) year of which state residence shall have been immediately prior to the date of *receipt of this assistance,* and who has no legal county residence, shall file his application in the county in which he is residing, and his assistance shall be paid entirely from state funds until he can qualify as having a legal residence in the said county; Residence in county.

"(e) Is not at the time of receiving assistance an inmate of any public institution, except *as a patient in a public medical institution; is not a patient in an institution for the treatment of tuberculosis or mental illness or is not a patient in a medical institution as a result of having been diagnosed as having tuberculosis or psychosis;* Is not inmate of public institution.

"(f) Has not made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this act at any time within two (2) years immediately prior to the filing of application for assistance pursuant to the provisions of this act; Has not assigned property.

"(g) Is not receiving aid to dependent children, aid to needy blind or aid to the permanently and totally disabled, for himself or herself." Is not receiving specified aids.

Section *16.* That Section 71-403, Revised Codes of Montana, 1947, be amended to read as follows: Amendment of Sec. 71-403, Rev. Codes, 1947.

"71-403. **Amount of Assistance.** The amount of old age assistance granted any person shall *be determined by the county department of public welfare according to the rules and regulations and standards of assistance established by the state department, as required by the federal social security act."* Amount of assistance.

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Amendment of Sec. 71-404, Rev. Codes, 1947.

Section *17*. That Section 71-404, Revised Codes of Montana, 1947, be amended to read as follows:

Application for assistance.

"71-404. **Application for Assistance.** Application for assistance under this *part shall be made to the county office of the county department in the county in which the person is residing. The application shall be in the manner and on the form prescribed by the state department of public welfare. All individuals wishing to apply for old age assistance shall have the opportunity to do so.*"

Amendment of Sec. 71-405, Rev. Codes, 1947.

Section *18*. That Section 71-405, Revised Codes of Montana, 1947, as amended by Section 1, Chapter 155, Session Laws, 1949, be amended to read as follows:

County share of participation.

"71-405. **County Share of Participation.** Each county department shall reimburse the state department in the amount of one-third (⅓) of the approved old age assistance grants paid by the state department to persons in the county each month, exclusive of the federal share and limited to the federal matching maximum. Such reimbursements shall be credited to the old age assistance account of the state department. The amount of approved old age assistance grants over that to which contribution is made by the federal government shall be borne solely by the state department without reimbursement by the county department."

Amendment of Sec. 71-406, Rev. Codes, 1947.

Section *19*. That Section 71-406, Revised Codes of Montana, 1947, be amended to read as follows:

Investigation of applications.

"71-406. **Investigation of Applications.** Whenever a county public welfare department receives an application for an old age assistance grant, an investigation shall be promptly made. *The investigation of each applicant for old age assistance shall be conducted by the county board through a staff worker of the county department. Each applicant shall be informed of his right to a fair hearing and of the confidential nature of information secured with regard to his circumstances. Upon completion of such investigation the county welfare board shall determine whether the applicant is eligible for and should receive a grant, the amount of the assistance and the date on which assistance shall begin. Aid shall be furnished promptly to all eligible persons. Each applicant shall receive written notice of the decision concerning his application.*"

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Amendment of Sec. 71-413, Rev. Codes, 1947.

Section *20.* That Section 71-413, Revised Codes of Montana, 1947, be amended to read as follows:

Change of residence of person receiving old age assistance.

"71-413. **Change of Residence of Person Receiving Old Age Assistance.** A recipient who moves to another county in this state shall continue to receive assistance, with the approval of the state department; the county from which he has moved shall be charged by the state department for such county share of his assistance for a period of *one (1) year* after which time the county to which he has moved shall be charged therefor. *The state department will determine the date of transfer. The county from which a recipient moves shall notify the state department and the county to which the recipient moves."*

Amendment of Sec. 71-502, Rev. Codes, 1947.

Section *21.* That Section 71-502, Revised Codes of Montana, 1947, be amended to read as follows:

"Aid to dependent children" defined.

"71-502. **'Aid to Dependent Children' Defined.** The term 'aid to dependent children' means money payments with respect to a dependent child or dependent children *including money payments for any month to meet the needs of a relative with whom a dependent child is living if money payments have been made with respect to such child for such month."*

Amendment of Sec. 71-504, Rev. Codes, 1947, as amended.

Section *22.* That Section 71-504, Revised Codes of Montana, 1947, as amended by Chapter 50, Thirty-first Legislative Assembly, Session Laws of 1949, be amended to read as follows:

Eligibility for assistance in aid to dependent children.

"71-504. **Eligibility for Assistance in Aid to Dependent Children.** Assistance shall be granted under this part to any dependent child — as defined in section 71-501 — who:

Need.

"(a) Is in need of such assistance;

Residence in state.

"(b) Has resided in the state for one (1) year immediately *prior to* the date *of receipt of this assistance or who was born* within such year. *A relative whose needs are included in a grant must meet the same residence requirements as does the child concerned.* Any dependent child *or relative with whom the child is living* meeting the above requirements shall be entitled to the assistance herein provided for, but the state shall pay the full amount of such assistance *exclusive of the federal share* unless and

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until the child *and/or the relative with whom the child is living* has been a resident of the county for a period of *one (1) year.*"

Amendment of Sec. 71-505, Rev. Codes, 1947.

Section *23.* That Section 71-505, Revised Codes of Montana, 1947, be amended to read as follows:

Application for assistance.

"71-505. **Application for Assistance.** Application for assistance under this *part* shall be made to the county department of the county in which the dependent child *is residing.* Such application shall be made by the relative with whom the child is living or will live. One application may be made for several children of the same family if they reside with the same person. *All individuals wishing to make application for this assistance shall have the opportunity to do so.*"

Amendment of Sec. 71-506, Rev. Codes, 1947.

Section *24.* That Section 71-506, Revised Codes of Montana, 1947, be amended to read as follows:

Investigation of applications.

"71-506. **Investigation of Applications.** Whenever a county department receives a notification of the dependency of a child or an application for assistance, an investigation shall be promptly made. *The investigation of each application for aid to dependent children shall be conducted by the county board through a staff worker of the county department. Each applicant shall be informed of his right to a fair hearing and of the confidential nature of information secured with regard to his circumstances. Upon completion of such investigation the county welfare board shall determine whether the child is eligible for and should receive a grant, the amount of assistance and the date on which assistance shall begin. Aid shall be furnished promptly to all eligible persons. Each applicant shall receive writen notice of the decision concerning his application.*"

Amendment of Sec. 71-507, Rev. Codes, 1947.

Section *25.* That Section 71-507, Revised Codes of Montana, 1947, be amended to read as follows:

Amount of assistance granted.

"71-507. **Granting of Assistance and Amount of Assistance.** *The amount of aid to dependent children granted in any case shall be determined by the county board of public welfare according to the rules and regulations and standards of assistance established by the state department, as required by the federal social security act:*"

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Amendment of Sec. 71-510, Rev. Codes, 1947.

Section *26.* That Section 71-510, Revised Codes of Montana, 1947, be amended to read as follows:

Removal to another county.

"71-510. **Removal to Another County.** *A recipient of aid to dependent children who moves to another county in the state shall continue to receive assistance with the approval of the state department; the county from which he has moved shall be charged by the state department for such county share of his assistance for a period of one (1) year after which time the county to which he has moved shall be charged therefor. The state department will determine the date of transfer. The county from which a recipient moves shall notify the state department and the county to which the recipient moves."*

Amendment of Sec. 71-604, Rev. Codes, 1947.

Section *27.* That Section 71-604, Revised Codes of Montana, 1947, be amended to read as follows:

Eligibility for aid to needy blind.

"71-604. **Eligibility for Aid to the Needy Blind.** Aid shall be granted under this chapter to any person who:

Vision of applicant.

"(a) Has no vision or whose vision, with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who has been examined and so certified by a fully licensed ophthalmologist;

Inadequate income.

"(b) Has income which is inadequate to provide a reasonable subsistence compatible with decency and health;

Not receiving other assistance.

"(c) Is not receiving old age assistance, *aid to dependent children or aid to the permanently and totally disabled,* **for himself or herself;**

Residence in county.

"(d) Has resided in the county in which application is made for at least one (1) year immediately preceding *receipt of this assistance.* Any person otherwise qualified who has resided in the state for five (5) years or more within the nine (9) years immediately preceding the application, one (1) year of which state residence shall have been immediately prior to the date of *receipt of this assistance,* and who has no legal county residence, shall file his application in the county in which he is residing, and his assistance shall be paid entirely from state funds until he can qualify as having a legal residence in the said county;

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Is not inmate of public institution.

"(e) Is not an inmate of any public institution except *as a patient in a public medical institution; is not a patient in an institution for tuberculosis or mental diseases or is not a patient in a medical institution as a result of having been diagnosed as having tuberculosis or psychosis.*"

Amendment of Sec. 71-605, Rev. Codes, 1947.

Section *28.* That Section 71-605, Revised Codes of Montana, 1947, be amended to read as follows:

Amount of assistance.

"71-605. **Amount of Assistance.** The amount of *aid to needy blind granted any person shall be determined by the county board of public welfare according to the rules and regulations and standards of assistance established by the state department, as required by the federal social security act.* The state department may, however, authorize grants or supplementary grants from state funds to be used in supplementary services such as the prevention or treatment of blindness."

Amendment of Sec. 71-606, Rev. Codes, 1947.

Section *29.* That Section 71-606, Revised Codes of Montana, 1947, be amended to read as follows:

Application for assistance.

"71-606. **Application for Assistance.** Application for assistance under this *part* shall be made to the county office of the county department in the county in which the person is *residing.* The application shall be in the manner and *on* the form prescribed by the state department *of public welfare. All individuals wishing to apply shall have the opportunity to do so.*"

Amendment of Sec. 71-607, Rev. Codes, 1947.

Section *30.* That Section 71-607, Revised Codes of Montana, 1947, be amended to read as follows:

Investigation of applications.

"71-607. **Investigation of Applications.** Whenever a county public welfare department receives an application for assistance under this *part* an investigation shall be promptly made. *The investigation of each application for aid to needy blind shall be conducted by the county board through a staff worker of the county department. Each applicant shall be informed of his right to a fair hearing and of the confidential nature of information secured with regard to his circumstances. Upon completion of such investigation the county welfare board shall determine whether the applicant is eligible for and should receive a grant and the amount of the assistance. Aid shall be furnished promptly to all eligible persons. Each applicant*

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shall receive written notice of the decision concerning his application.''

Section *31.* That Section 71-608, Revised Codes of Montana, 1947, relating to granting of aid, be hereby deleted.

Sec. 71-608, Rev. Codes, 1947, deleted.

Section *32.* That Section 71-611, Revised Codes of Montana, 1947, as amended by Section 2, Chapter 155, Session Laws, 1949, be amended to read as follows:

Amendment of Sec. 71-611, Rev. Codes, 1947, as amended.

''71-611. **County Share of Participation.** Each county department shall reimburse the state department in the amount of one-third (⅓) of approved aid to needy blind grants paid by the state department to persons in the county each month, exclusive of the federal share and limited to the federal matching maximum. Such reimbursement shall be credited to the aid to needy blind account of the state department. The amount of approved aid to needy blind grants over that to which contribution is made by the federal government shall be borne solely by the state department without reimbursement by the county department.''

County share of participation.

Section *33.* That Section 71-612, Revised Codes of Montana, 1947, be amended to read as follows:

Amendment of Sec. 71-612, Rev. Codes, 1947.

''71-612. **Change of Residence of Person Receiving Aid to Blind.** *A recipient who moves to another county in the state shall continue to receive assistance with the approval of the state department; the county from which he has moved shall be charged by the state department for such county share of his assistance for a period of one (1) year after which time the county to which he has moved shall be charged therefor. The state department will determine the date of transfer. The county from which a recipient moves shall notify the state department and the county to which the recipient moves.''*

Change of residence of person receiving aid to blind.

Section *34.* All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1951.

CHAPTER 200

An Act to Amend Section 40-2402, Revised Codes of Mon-

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tana, 1947, Relating to the Making, Fixing and Regulating of Insurance Rates and Premiums by Bringing Credit Insurers Within Scope of Insurance Rate Regulation.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 40-2402, Rev. Codes, 1947.

Section 1. That Section 40-2402, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Scope of act.

"Section 40-2402. **Scope of Act.** This act shall apply to all insurers licensed in this state to effect insurance on risks enumerated in paragraphs 1, 3, 4 *and 5* of Section 40-1409 *(excepting title insurance),* and to workmen's compensation insurance. This act shall not apply to reinsurance, other than joint reinsurance to the extent stated in section 40-2414."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1951.

CHAPTER 201

An Act Relating to Punch Boards, Pull Boards and Similar Devices, by Defining the Word "Distributor" as Used in the Act, Changing the Definition of the Phrase "Trade Stimulator", Providing for a License Tax on Trade Stimulators, Fixing the Amount of Such Tax, Etc., Providing the Method of Administration by the State Board of Equalization; Requiring Distributors to Affix the Use Tax Stamps; Licensing Distributors; Requiring Bonds from the Distributor; Defining Terms Used; Providing for the Disposition of the Revenue from Such Licenses; Declaring the Operation and Use of Stamped Trade Stimulators Legal; Providing Penalties for the Violation of This Act and Repealing Sections 84-5701 and 84-5702, Revised Codes of Montana of 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** The words and phrases used in this act shall be given the following interpretation:

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"1. The word 'board' unless otherwise designated, means the state board of equalization of the State of Montana. "Board."

"2. The word 'person' includes every individual, partnership, corporation, association, or organization. "Person."

"3. The words 'trade stimulator' means any device or object housing, containing or enclosing, or having as a part thereof numbered tickets, variegated symbols and tokens or any pull board, ticket board, or punch board, or their equivalents, and one or more of which announces that an award will be made to a purchaser thereof in terms of merchandise but does not mean a slot machine or coin operated device. "Trade stimulator."

"4. The word 'affix' shall mean fastening the tax stamp, or stamps, to the board by moistening said stamp and pasting it on the face of any pull board, ticket board or punchboard, or their equivalent, in such manner that when all purchases or tabs, tickets, pellets, or punches or similar things on the board have been completed the tax stamp shall have been perforated in the process and if such trade stimulator is not arranged so that this can be done, such stamp shall none the less be dated and initialed by the distributor at the time of the sale to the dealer. "Affix."

"5. The word 'distributor' means any person engaged in the business of producing or manufacturing trade stimulators or importing any thereof into this state for purposes of sale or distribution and whose total business is eighty per cent (80%) or more in sales for the purpose of resale. "Distributor."

"6. The word 'dealer' shall mean any person other than a distributor, who is engaged in the business of selling trade stimulators or exhibiting the same to the public for use and play by the public." "Dealer."

Section 2. **Tax Stamp Required on Punch Board and Similar Devices—Amount—Penalty for Failure to Affix—Collection of Funds—Enforcement.** From and after the effective date of this act, it shall be lawful for any person as defined herein, to exhibit for use and for sale and to exhibit, sell and use trade stimulators, which, for the purpose of this act, shall be considered any device or object housing, containing or enclosing, or having as a part there- Tax stamp required on punch board and similar devices.

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of numbered tickets, variegated symbols, and tokens, or any pull board, ticket board, or punch board, or their equivalents, any one or more of which announces that an award will be made to a purchaser thereof in terms of merchandise or other things of value, provided there is permanently affixed to such trade stimulator, in the manner in this act defined, a use tax stamp of the value hereinafter prescribed, and which use tax stamp will plainly show that a special tax has been paid thereon at the true rate hereby levied and imposed, viz., the sum of three per cent (3%) of the value of the total number of such tabs, tickets, pellets, punches or similar things on the board or the full cash return of such trade stimulator to the exhibitor as computed by the purchase price posted by the exhibitor as the going price of each numbered ticket, variegated symbol, token or its equivalent; that use tax stamps shall be affixed by the distributor to any trade stimulator at or before the time the same is sold and delivered to the dealer. Such use tax stamps shall, at the time of sale, be cancelled by the distributor indicating by unerasable writing over the face thereof, identified by his initials and the date of the cancellation of each stamp. Failure to affix and cancel such use tax stamps, re-use of a cancelled stamp on other than the original trade stimulator, or permitting minors to patronize a trade stimulator, shall be a misdemeanor and shall be punishable as hereinafter provided.

Value of stamp.

Penalty for violation.

The state board of equalization is hereby authorized, empowered and directed to provide serially numbered use tax stamps, in such design, title, form and denominations as will be appropriate, and to collect the moneys therefor, and shall every thirty (30) days, remit the proceeds from the sale of such use tax stamps to the state treasurer for credit to the state general fund. The state board of equalization is hereby authorized, empowered and directed to supply use tax stamps upon direct application from distributors and payment to the board.

Board of Equalization, duties of.

The said state board of equalization shall cause to be set up appropriate records to reflect the supply, deposits, purchasers, purchases, and movements of such use tax stamps and payments therefor. The state board of equalization, or any authorized representative thereof, the sheriff (including under-sheriff and deputies), county attorney of any county in this state, and police chiefs and police

Records required.

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officers of any city or town, shall enforce the provisions of this act, and for such purposes may inspect and search any premises whereon or wherein said trade stimulators are kept, or any persons having custody of the same, and inspect any such trade stimulators, and the stamp supplies of distributors, proceeding with or without search warrant in circumstances required by the applicable statutes of the State of Montana; all distributors and exhibitors shall, upon demand of said officers or representatives, or any one or more of them forthwith display any and all of such devices, or stamps, cancelled or uncancelled, in their custody or on premises.

Enforcement of act.

Section 3. **Distributors' License — Application — Fees.** Every such distributor shall secure a license from the board before engaging in such business, or continuing to engage therein, after July 1, 1951. A separate application and a separate license shall be required for each place of business owned, controlled or operated by such person within the State of Montana. Applications for such license shall be made on forms prescribed by the board, which shall state the name and address of the applicant, the name, address and place of business to be licensed, the type of business, and such other information as the board may require for the proper administration of this act. Each application for a distributor's license shall be accompanied by a fee of ten dollars ($10.00), which fees shall be remitted every thirty (30) days by the board to the state treasurer for credit to the state general fund. No dealer shall be granted a distributor's license except a retailer who also performs, in the usual course of business, a distributor's or wholesaler's function, as herein defined. Each license so issued shall be permanently and prominently displayed on the premises covered by the license. Distributors may sell and dealers may buy and have in their possession only trade stimulators which have the stamp provided for in this act on each individual stimulator. The stamps provided for in this act shall be sold to, and affixed by, licensed distributors only. Every distributor shall stamp or write in ink, so it shall be plainly visible, his name and address, on the back of each and every trade stimulator he sells.

Distributors' license.

Application for license.

Fees.

Display of license.

Distributor to stamp name on trade stimulators.

Section 4. **Dealers' License—Application—Fees.** After July 1, 1951, every such dealer shall secure a license from

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Dealers' licenses.

the board before engaging in the business of a dealer as defined in this act. A separate application and a separate license shall be required for each place of business owned, controlled or operated by such dealer. Such license shall be transferable, during the period for which it is issued, to subsequent purchasers of the business of the dealer at the same location and address. Application for such license shall be made on forms prescribed by the board which shall state the name and address of the applicant, the name, address and place of business to be licensed, the type of business and such other information as the board may require for the proper administration of this act. Each application for a dealer's license shall be accompanied by a fee of five dollars ($5.00), which fee shall be remitted every thirty (30) days by the board to the state treasurer for credit to the state general fund. Each license so issued shall be permanently and prominently displayed on the premises covered by the license.

Application for license.

Fees.

Duration of license.

Section 5. **License—Duration.** Each license so issued shall be valid until the first day of July following its issuance, unless surrendered, or revoked by the board, or unless the business or place for which such license was issued, shall be transferred, in which event such license shall be transferred upon application by and approval of such transferee by the board.

Revocation of license.

Section 6. **Revocation of License.** The board may revoke the license of any dealer or distributor for failure to comply with any provision of this act, or with any lawful rule or regulation of the board made pursuant hereto. Any person aggrieved by such revocation may apply to the board for a hearing, and may further appeal to the court, as hereinafter provided. When a license has been duly revoked, no license shall again be issued to such licensee for a period of one (1) year thereafter. Any person who shall sell trade stimulators after his license has been revoked is guilty of a misdemeanor, and shall be punished as hereinafter provided.

Penalty.

Unlawful to sell without license.

Section 7. **Unlawful to Possess or Sell Without License.** No person shall sell, offer to sell, or possess with intent to sell, any trade stimulator, at wholesale, unless a license so to do has first been issued to him under the provisions of this act; and no person shall, after July 1, 1951, sell, offer

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for sale, display trade stimulators for use by the public or otherwise engage in the business of a dealer as herein defined, unless a license so to do has first been issued to him under the provisions of this act. Any person violating the provisions of this section is guilty of a misdemeanor, and shall be punished as hereinafter provided.

Penalty.

Section 8. **Investigations—Hearings.** The board and its duly authorized agents are empowered to conduct investigations, inquiries, and hearings hereunder, and any member thereof, or any agent, is authorized to administer oaths and take testimony under oath, relative to the matter of inquiry or investigation. The board, or its authorized agent, may subpoena witnesses and require the production of books, papers, and documents pertinent to such inquiry. The board, or its agent, after the hearing shall make findings and an order in writing, which findings and order shall be filed in the office of the board.

Investigations and hearings.

Board may subpoena witnesses.

Section 9. **Hearing—Rehearing.** Any person aggrieved by any action of the board or its duly authorized agents, under the provisions of this act, may apply to the board, in writing, for a hearing or rehearing thereon within thirty (30) days after such action of the board or its authorized agents. The board shall promptly consider such application, and may grant or deny the same. If the hearing be denied, the applicant shall be notified thereof, forthwith, and, if granted, the board shall notify the applicant of the time and place fixed for such hearing or rehearing, which may be at its office or in the county of the applicant. After such hearing or rehearing, the board may make any further or other order in the premises, as it may deem proper and lawful and shall furnish a copy thereof to the applicant. The board, on its own initiative, may order a hearing on any matter concerned with the administration of this act, upon at least ten (10) days' notice in writing to the person or persons to be investigated.

Hearing and rehearing

Board may initiate a hearing.

Section 10. **Appeals from Decision of the Board.** Any person aggrieved by any action or decision of the board, made under the provisions of this act, may appeal therefrom to the district court of the county where appellant resides, which appeal shall be taken by notice of appeal in writing, setting forth the actions or decisions of the board, of which the appellant is aggrieved. Such appeal

Appeals from decision of board.

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Appeal bond.

shall be perfected within thirty (30) days after notice of any decision or action of the board, and shall be taken by serving a notice of appeal upon the board and filing the same with the clerk of said district court, together with a good and sufficient bond to the State of Montana. The condition of such bond shall be to the effect that appellant agrees to prosecute said appeal diligently, and if the court shall finally decide that the state is entitled to judgment, that appellant will pay the amount thereof together with costs upon such appeal. Such bond shall be further conditioned that appellant will comply with the orders and decrees of the court. The bond shall be in the form required by law and in such an amount as the court may require. The notice of appeal shall be signed by the appellant or his attorney, and the matter appealed shall be heard upon ten (10) days' notice given by either party, unless a different time is specified by the court. Said district court may grant such relief as the law and the facts in the premises require.

Section 11. Dealers' and distributors' licenses shall not be issued to the same place of business nor the same premises.

Rules and regulations by board.

Section 12. **Rules and Regulations.** The board shall have the power and authority to prescribe all rules and regulations not inconsistent with the provisions of this act, for the detailed and efficient administration thereof.

County attorney and other officers to assist in enforcement.

Section 13. **County Attorney and Other Officers to Assist.** In the enforcement of this act, it shall be the duty of any county attorney, or any peace officer in this state, to assist the board in its enforcement of this act; and the board is hereby authorized to appoint such additional assistance as may be required to carry out the provisions of this act.

Re-use of stimulator unlawful.

Section 14. It shall be unlawful to sell, exhibit for sale for use by the public any trade stimulator which is designated to be re-used, refilled or reset; and it shall likewise be unlawful to re-use, refill or reset any trade stimulator for the purpose of avoiding the purchase of use stamps in this act described.

Violations constitute misdemeanors.

Section 15. **Misdemeanors.** Unless hereinbefore expressly otherwise provided, the violation of any provision of

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this act shall constitute a misdemeanor, and any person violating any such provision shall be punished according to the provisions of Section 94-116, Revised Codes of Montana, 1947, and if such person is the holder of a license issued under this act, such license shall be revoked by the board, and such person shall not be eligible for another such license within one (1) year thereafter.

Revocation of license.

Section 16. **Saving Clause.** If any section, sub-section, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Saving clause.

Section 17. That Sections 84-5701 and 84-5702, Revised Codes of Montana, 1947, and all other acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1951.

CHAPTER 202

An Act to Require the Publication of Notice of Application to Sell Liquor at Retail or to Transfer a Retail Liquor License, Under the Provisions of Chapter 4 of Volume 1 of the Revised Codes of Montana of 1947; Providing the Form of Such Notice and Providing for Hearing Thereon Before the Montana Liquor Control Board; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Application for license to sell liquor at retail or to transfer such license, duty of liquor control board to publish notice of application.

Section 1. When an application has been filed with the Montana liquor control board for a license to sell liquor at retail, or to transfer such license, as provided in Chapter four (4) of Volume one (1), of the Revised Codes of Montana of 1947, it shall be the duty of said board to promptly publish once a week for four (4) consecutive weeks in a newspaper of general circulation in the city, town or county from whence such application shall come, a notice that such applicant has made application for such license, and that protests against the issuance of a license to the applicant will be heard at a time stated in the notice, which shall be at a special or regular meeting of the Montana liquor control board in the city of Helena, Montana. Notice may be substantially in the following form:

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NOTICE OF APPLICATION FOR RETAIL LIQUUOR LICENSE

Contents of notice.

Notice is hereby given that on the.....day of....., 19....., one (name of applicant) filed an application for a retail liquor license with the Montana liquor control board, to be used at (describe location of premises where license is to be sold), and protests, if any there be, against the issuance of such license will be heard at the hour of.....M, on the .....day of....., 19....., at the office of the Montana liquor control board in Helena, Montana.

Dated..... Signed.....
Administrator

License not to be issued, when.

No license shall be issued until on or after the date set in the notice for hearing protests. Nor shall a license under this act be issued if the said Montana liquor control board shall find from the evidence at said hearing that the welfare of the people residing in the vicinity of the place for which such license is desired will be adversely and seriously affected, or that the purposes of the Montana retail liquor license act will not be carried out by the issuance of such license. Each applicant shall, at the time of filing his application, pay to the Montana liquor control board, an amount sufficient to cover the costs of publishing said notice.

Costs of publication.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1951.

CHAPTER 203

An Act Declaring That It Is the Legislative Policy of the State of Montana to Foster a Program Designed to Permit the Indian Citizens of Montana to Take Their Rightful Place in Society and Assume the Rights, Duties, and Privileges of Full Citizenship; Providing for the Creation of the Office of the State Co-ordinator of Indian Affairs; Providing for the Duties and Emoluments of Such Office; Providing for the Administration of Loans

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to Indians; and Appropriating Monies for the Purposes of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble — declaration of legislative policy.

Section 1. Whereas, a considerable portion of the citizens of the State of Montana are members of the Indian race, and,

Whereas, in the course of the past eighty years these Indian citizens of the State of Montana have been driven from their native valleys and plains and are at present living and residing upon reservations set apart for such purposes by the United States of America, and by virtue of said isolation and supervision by the federal government, great problems of economic and social significance have arisen and presently exist, and that no suitable progress has been made to solve such problems by reason of the fact that the Indians and those who are attempting to aid them in the solution of their problems have never been able to present a co-ordinate and united effort in solving such problems, and

Whereas, it is hereby declared that it is the legislative policy of this state that the best interests of the Indians will be served by the fostering of a program which is designed to establish and place our Indian citizens in a position whereby they will be able to take their rightful place in our society, and assume the rights, duties and privileges of full citizenship, it is therefore necessary that a state office of the co-ordinator of Indian affairs be established so that the problems of the Indians of Montana can be approached and reconciled from a state level in co-operation with the United States of America.

Office of State Co-ordinator of Indian Affairs created.

Section 2. The office of the state co-ordinator of Indian affairs is hereby created. The co-ordinator shall be appointed by the governor from a list of five qualified persons agreed upon by the tribal councils of the respective Indian tribes of the State of Montana. He shall hold such office for a term of four years and shall be paid a salary of one dollar ($1.00) per year. He shall maintain his office at the state capitol in Helena, Montana.

Term and salary.

Duty of co-ordinator.

Section 3. It shall be the duty of the state co-ordinator of Indian affairs to do all necessary and proper things

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to carry out the legislative policy set forth in section 1 of this act. He shall solicit rehabilitation loans from various sources for the purpose of enabling deserving Indians to become self sufficient. Interest rates on such loans shall not exceed four per cent (4%) and such loans shall be disbursed through Indian loan associations to be established on the various reservations.

He shall also do everything possible to bring about adequate housing on Indian reservations and in general to promote the welfare of our Indian citizens, and in doing these things he will co-operate with the department of Indian affairs of the United States, the United States government and the State of Montana.

He shall acquaint himself with the problems confronting the Indians of Montana and he shall advise the legislative and executive branches of the State of Montana of such problems and shall make recommendations for the alleviation thereof. He shall also serve the Montana delegation in the federal congress as an advisor and intermediary in the field of Indian affairs.

Reports to be made.

Section 4. The state co-ordinator shall make quarterly reports to the governor concerning the physical and moral well-being of the Indians of the State of Montana and shall prepare a report of a similar nature to present to each legislative assembly.

Appropriation for period ending June 30, 1952.

Section 5. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1951, and ending June 30, 1952.

FOR THE STATE OFFICE OF CO-ORDINATOR OF INDIAN AFFAIRS

FROM THE GENERAL FUND

Salary of state co-ordinator	$ 1.00
Salary of Stenographer	$2,400.00
Administrative expenses	$1,000.00
Traveling expenses	$2.000.00

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Section 6. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1952, and ending June 30, 1953.

Appropriation for period July 1, 1952 to June 30, 1953.

FOR THE STATE OFFICE OF CO-ORDINATOR OF INDIAN AFFAIRS

FROM THE GENERAL FUND

Salary of state co-ordinator	$ 1.00
Salary of stenographer	$2,400.00
Administrative expenses	$1,000.00
Traveling expenses	$2,000.00

Section 7. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

The budget act, notwithstanding.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1951.

CHAPTER 204

An Act for the Elimination of Reckless and Irresponsible Drivers of Motor Vehicles from the Highways of the State of Montana, and Providing for the Giving of Security and Proof of Financial Responsibility by Owners and Operators of Motor Vehicles; Defining Words and Phrases in Said Act; Providing for the Administration of Said Act by the Highway Patrol Supervisor, and Prescribing His Powers and Duties, and Providing for Appeals from and Stays of His Orders and Decisions; Providing for the Appointment of an Executive Assistant to the Highway Patrol Supervisor, Prescribing His Powers and Duties and Fixing the Amount of His Compensation; Providing for an Operating Record; Providing for the Making of Reports Following a Motor Vehicle Accident, and Giving of Security in Case of a Motor Vehicle Accident Involving Property Damage in Excess of One Hundred Dollars

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($100.00), or Personal Injuries to, or Death of Any Person; Providing for Certain Exceptions Where Evidence of Existing Insurance is Furnished; Providing Certain Further Exceptions to Requirements of the Act; Providing for the Suspension of Licenses and Registration of Motor Vehicles, and Duration Thereof; Providing That the Act shall Apply to Nonresidents, Unlicensed Drivers and Unregistered Motor Vehicles and Shall Apply in Certain Instances to Accidents in Other States; Providing the Form and Amount of Security; Providing Matters Not to Be Evidence in Civil Suits; Providing for the Custody, Disposition and Return of Security; Providing for Reports on the Nonpayment of Judgments; Providing for the Suspension of Licenses and Registration for Nonpayment of Judgments; Providing for Suspension Until Judgment Paid or Until Proof Given; Providing for Payment Sufficient to Satisfy Requirements, and Certain Exceptions Thereto; Providing for the Payment of Judgments by Installment; Providing the Proof Required to Be Furnished Upon Certain Convictions; Providing Alternative Methods of Giving Proof of Financial Responsibility, Including a Certificate of Any Insurance Carrier That Has in Effect a Motor Vehicle Liability Policy; Providing Certificates Furnished by Nonresidents, Owners of Motor Vehicles in the State; Defining a Motor Vehicle Liability Policy; Providing for Cancellation or Termination of Policies, and That This Act Shall Not Affect Other Policies; Providing for Bond for Proof of Financial Responsibility, Amount of Security, Where Deposited, and Type of Security; Transfer of Registration to Defeat Purposes of Act Prohibited; Providing Penalties for the Violation of the Provisions of This Act; Providing for Surrender of Licenses and Registration; Providing for Self-insurers; Providing Act Not to Apply to United States Government, State of Montana, Political Subdivisions or Municipalities; Repealing Sections 53-401 to 53-417, Revised Codes of Montana, 1947, Relating to Elimination of Reckless and Irresponsible Drivers from the Highways, and for the Giving of Security and Proof of Financial Responsibility by Owners and Operators of Motor Vehicles; Prescribing Certain Powers and Duties of the Commissioner of Insurance With Respect to Approval of Plans for Equitable Apportionment

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Among Insurance Companies of Applicants for Insurance Who Cannot Obtain Insurance by Ordinary Methods, and Providing for Appeals to the Courts from Decisions of Said Commissioner of Insurance Respecting Such Plans; Providing This Act Not to Prevent Use of Other Process; Providing for Uniformity of Interpretation; Providing That If Part of Act Be Held Unconstitutional It Shall Not Affect Remaining Parts of Act; Providing That This Act May Be Cited as the Motor Vehicle Safety-responsibility Act; Appropriating the Sum of Fifteen Thousand Two Hundred Dollars ($15,200.00), or So Much Thereof as May Be Necessary for the Purposes Set Forth in This Act; Providing Effective Date of Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** The following words and phrases, when used in this act shall, for the purposes of this act, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning: Definitions.

1. "Supervisor" — The highway patrol supervisor and his executive assistant. "Supervisor."

2. "Board" — The Montana highway patrol board. "Board."

3. "Registrar" — The registrar of motor vehicles of this state. "Registrar."

4. "Judgment" — Any judgment that shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages. "Judgment."

5. "License" — Any license, temporary instruction permit or temporary license issued under the laws of this "License."

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state pertaining to the licensing of persons to operate motor vehicles.

"Motor vehicle." 6. "Motor vehicle" — Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well driller) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

Nonresident. 7. "Nonresident" — Every person who is not a resident of this state.

"Nonresident's operating privilege." 8. "Nonresident's operating privilege" — The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.

"Operator." 9. "Operator" — Every person who is in actual physical control of a motor vehicle.

"Owner." 10. "Owner" — A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this act.

"Person." 11. "Person" — Every natural person, firm, copartnership, association or corporation.

"Proof of financial responsibility." 12. "Proof of financial responsibility" — Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of five thousand dollars ($5,000.00) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of ten thousand dollars ($10,000.00) because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars ($1,000.00) because of injury to or destruction of property of others in any one accident.

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13. "Registration" — Registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles. "Registration."

14. "State" — Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada. "State."

Section 2. **Supervisor to Administer Act—Appeal to Court.** (a) The supervisor shall administer and enforce the provisions of this act and may make rules and regulations necessary for its administration and may provide for hearings upon request of persons aggrieved by orders or acts of the supervisor under the provisions of this act. Supervisor to administer act.

(b) An executive assistant to the supervisor shall be appointed by the "Montana highway patrol board", subject to and in accordance with Sections 31-105 and 31-106, Revised Codes of Montana, 1947, who shall be vested with full power and authority to act for and on behalf of the supervisor in the administration of this act; and who shall perform such other and further duties as shall be prescribed by the Montana highway patrol board. The salary of the executive assistant shall be four thousand two hundred dollars ($4,200.00) per year. Executive assistant to supervisor. Powers. Salary.

(c) At any time within sixty (60) days after the rendition of any decision or order by the supervisor under the provisions of this act, any party in interest may appeal to the district court of the judicial district of the State of Montana, in and for any county wherein any party in interest may reside, or in which any party in interest which is a corporation may have its principal office, or place of business, and said appeal may be for the purpose of having the lawfulness of any order, decision, or act of the said supervisor inquired into and determined. The court shall determine whether the filing of an appeal shall operate as a stay of any order or decision of the supervisor. Said appeal shall be taken by serving a written notice of said appeal upon the supervisor, which said service shall be made by delivering a copy of such notice to the supervisor and filing the original thereof with the clerk of the court to which said appeal is taken. A copy of such notice must also be served upon all other parties in interest, if there be any, by mailing the same to said parties in interest to such addresses of such parties as such parties shall have Appeal to District Court from decision or order by supervisor. Procedure.

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left with the supervisor. If such parties shall have left no address with the supervisor, then no service on such parties shall be required. The order of filing and service of said notice is immaterial. Immediately upon service upon said supervisor of said notice, the supervisor shall certify to said district court a complete record of all proceedings had by him with reference to the decision, order or act appealed from, together with all official forms or documents in the possession of said supervisor pertaining to said decision, order or act, and all correspondence and other written matter in the possession of said supervisor pertaining to said decision, order or act, with the clerk of the said district court. Immediately upon the return of such certified matter, the district court shall fix a day for the hearing of said appeal, and shall cause notice to be served upon the supervisor and upon the appellant, and also upon any other parties in interest upon whom service was required under the provisions of this section. The court may, upon the hearing, for a good cause shown, permit evidence in addition to the matter certified by the supervisor to the court, but, in the absence of such permission from the court, the cause shall be heard on the matter certified to the court by the supervisor. The trial of the matter shall be de novo, without a jury, and upon such trial the court shall determine whether or not the supervisor regularly pursued his authority, and whether or not the findings of the supervisor ought to be sustained, and whether or not such findings are reasonable, under all circumstances of the case. The supervisor, and each party in interest, shall have the right to appear in the proceeding. If the court shall find from such trial, as aforesaid, that the findings and conclusions of the supervisor are not in accordance with either the facts or the law, or that they ought to be other or different than those made by the supervisor, or that any finding and conclusion, or any decision, order, act, rule, or requirement of the supervisor is unreasonable, the court shall set aside such finding, conclusion, decision, order, act, rule or requirement of said supervisor, or shall modify or change the same as law and justice shall require, and the court shall also make and enter any finding, conclusion, order or judgment that shall be required, or shall be legal and proper in the premises. Either the supervisor, or the appellant, or any other party in interest, if there be any, may appeal to the

Trial de novo.

Appeal to the Supreme Court of Montana.

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supreme court of the State of Montana, from any final order, judgment, or decree of said district court, which said appeal shall be taken in like manner as appeals are now taken in other civil actions to the said supreme court, and upon such appeal, the said supreme court shall make such orders in reference to a stay of proceedings as it finds to be just in the premises, and may stay the operation of any order, judgment, or decree of said district court, without requiring any bond or undertaking from the applicant for such stay. When any such cause is so appealed, it shall have precedence upon the calendar of said supreme court upon the record made in said district court, and upon the matters certified to or which ought to have been certified by said supervisor to said district court, and judgment and decree shall be entered therein as expeditiously as possible.

Section 3. **Supervisor to Furnish Operating Record.** The supervisor shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this act, which abstract shall also fully designate the motor vehicles, if any registered in the name of such person, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the supervisor shall so certify. A fee of fifty cents (50¢) shall be paid for said certified abstract.

Supervisor to furnish operating record.

Section 4. **Report Required Following Accident.** In addition to the reports required under Chapter 12, Title 32 of the Revised Codes of Montana, 1947, the operator of any motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person in excess of one hundred dollars ($100.00) is sustained, shall within ten (10) days after such accident report the matter in writing to the supervisor. Such report, the form of which shall be prescribed by the supervisor, shall contain information to enable the supervisor to determine whether the requirements for the deposit of security under section 5 are inapplicable by reason of the existence of insurance or other exceptions specified in this act. The supervisor may rely upon the accuracy of the information unless and until he has reason to believe that the

Report required following accident.

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information is erroneous. If such operator be physically incapable of making such report, then any person may do so for and on his behalf. The operator or the owner shall furnish such additional relevant information as the supervisor shall require.

Section 5. **Security Required Unless Evidence of Insurance — When Security Determined—Suspension—Exceptions.** (a) If within twenty (20) days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of one hundred dollars ($100.00), the supervisor does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the supervisor shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

Security required unless supervisor has on file satisfactory evidence of what.

Amount of security.

(b) The supervisor shall, within sixty (60) days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and the registrar, upon request of the supervisor, shall suspend all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the supervisor; provided notice of the suspension of such registration or registrations shall be sent by the registrar to such operator and owner not less than ten (10) days prior to the effective date of such suspension and such notice shall state the amount required by the supervisor as security. Where erroneous information is given the supervisor with respect

Suspension of license of operator and registrations of owner unless security is deposited.

Notice of suspension to be given.

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to the matters set forth in subdivisions 1, 2 or 3 of subsection (c) of this section, he shall take appropriate action as hereinbefore provided, within sixty (60) days after the receipt by him of correct information with respect to said matters.

This section not applicable, when.

(c) This section shall not apply under the conditions stated in section 6, nor:

1. to such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

2. to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

3. to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the supervisor, covered by any other form of liability insurance policy or bond; nor

4. to any person qualifying as a self-insurer under section 34, or to any person operating a motor vehicle for such self-insurer.

Automobile liability insurance, provisions relating to.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the supervisor to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than five thousand dollars ($5,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ten thousand dollars

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($10,000.00) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than one thousand dollars ($1,000.00) because of injury to or destruction of property of others in any one accident.

Further exceptions to requirement of security.

Section 6. **Further Exceptions to Requirement of Security.** The requirements as to security and suspension in section 5 shall not apply:

1. to the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner;

2. to the operator or the owner of a motor vehicle legally parked at the time of the accident;

3. to the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who has been operating such motor vehicle without such permission; nor

4. if, prior to the date that the supervisor would otherwise suspend license and request and require of the registrar suspension of registration or nonresident's operating privilege under section 5, there shall be filed with the supervisor evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

Duration of suspension when license and registration may be renewed or issued.

Section 7. **Duration of Suspension.** The license and registration and nonresident's operating privilege suspended as provided in section 5 shall remain so suspended and shall not be renewed nor shall any such license or registration be issued to such person until:

1. such person shall deposit or there shall be deposited on his behalf the security required; or

2. one year shall have elapsed following the date of such suspension and evidence satisfactory to the super-

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visor has been filed with him that during such period no action for damages arising out of the accident has been instituted; or

3. evidence satisfactory to the supervisor has been filed with him of a release from liability, or a final adjudication of nonliability, or a duly acknowledged written agreement, in accordance with subdivision 4 of section 6; provided, however, in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the supervisor shall forthwith suspend the license and request and require of the registrar the suspension of registration of nonresident's operating privilege of such person defaulting which shall not be restored unless and until (1) such person deposits and thereafter maintains security as required in such amount as the supervisor may then determine; or (2) one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state.

Proviso: as to default in payment of installments of written agreement.

Section 8. **Application to Nonresidents, Unlicensed Drivers, Unregistered Motor Vehicles and Accidents in Other States.** (a) In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, or is a nonresident, he shall not be allowed a license or registration until he has complied with the requirements of this act, to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

In case operator has no license or registration.

(b) When a nonresident's operating privilege is suspended pursuant to section 5 or section 7, the supervisor shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in subsection (c) of this section.

In case a nonresident's operation privilege is suspended.

(c) Upon receipt of such certification that the operating privilege of a resident of this state has been suspended, revoked or cancelled in any such other state pursuant to a law providing for its suspension, revocation or cancellation for failure to deposit security for the pay-

In case operating privilege of a resident of Montana has been revoked, suspended in another state.

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ment of judgments arising out of a motor vehicle accident, under circumstances which would require the supervisor to suspend a nonresident's operating privilege had the accident occurred in this state, the supervisor shall suspend the license of such resident if he was the operator, and request and require of the registrar the suspension of all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.

Form and amount of security.

Section 9. **Form and Amount of Security.** The security required under this act shall be in such form and in such amount as the supervisor may require but in no case in excess of the limits specified in section 5 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made, and at any time while such deposit is in the custody of the state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

Reduction of amount of security.

The supervisor may reduce the amount of security ordered in any case within six (6) months after the date of the accident if, in his judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of section 10.

Custody, disposition and return of security.

Section 10. **Custody, Disposition and Return of Security.** Security deposited in compliance with the requirements of this act shall be placed in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the deposit of any security under subdivision 3 of section 7, or to the

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payment in settlement, agreed to by the depositor, of a claim or claims arising out of such accident. Such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the supervisor has been filed with him that there has been a release from liability, or a final adjudication of nonliability, or a duly acknowledged agreement, in accordance with subdivision 4 of section 6, or whenever, after the expiration of one year (1) from the date of the accident, or (2) from the date of any security under subdivision 3 of section 7, the supervisor shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

Matters not to be taken as evidence in civil suits.

Section 11. **Matters Not to Be Evidence in Civil Suits.** Neither the report required by section 4, the action taken by the supervisor pursuant to this act, the findings, if any of the supervisor upon which such action is based, nor the security filed as provided in this act shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

Courts to report non-payment of judgment.

Section 12. **Courts to Report Nonpayment of Judgments.** Whenever any person fails within sixty (60) days to satisfy any judgment, upon the written request of the judgment creditor or his attorney, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the supervisor immediately after the expiration of said sixty (60) days, a certified copy of such judgment.

Certified copy of judgment against non-resident.

If the defendant named in any certified copy of a judgment reported to the supervisor is a nonresident, the supervisor shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

Suspension of license and registration upon receipt of copy of judgment; exceptions.

Section 13. **Suspension for Nonpayment of Judgments —Exceptions.** (a) The supervisor, upon the receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was

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rendered, except as hereinafter otherwise provided in this section and in section 16.

Consent by judgment creditor that license and registration may be issued.

(b) If the judgment creditor consents in writing, in such form as the supervisor may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the supervisor, in his discretion, for six (6) months from the date of such consent and thereafter until such consent is revoked in writing notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 16, provided the judgment debtor furnishes proof of financial responsibility.

Suspension to continue and judgment paid and proof given.

Section 14. **Suspension to Continue Until Judgments Paid and Proof Given.** Such license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided, and until the said person gives proof of financial responsibility subject to the exemptions stated in section 13 and 16 of this act.

A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this act.

Payments sufficient to satisfy requirements.

Section 15. **Payments Sufficient to Satisfy Requirements.** Judgments herein referred to shall, for the purposes of this act only, be deemed satisfied:

1. when five thousand dollars ($5,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

2. when, subject to such limit of five thousand dollars ($5,000.00) because of bodily injury to or death of one person, the sum of ten thousand dollars ($10,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury or death of two or more persons as the result of any one accident; or

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3. when one thousand dollars ($1,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

Payments in settlement of claims.

Provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

Installment payments of judgment.

Section 16. **Installment Payment of Judgments—Default.** (a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

Proof of financial responsibility of judgment debtor.

(b) The supervisor shall not suspend a license, or request and require of the registrar the suspension of a registration or a nonresident's operating privilege, and shall restore any license, and request and require of the registrar the restoration of the registration or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

In case judgment debtor fails to pay any installment.

(c) In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the supervisor shall forthwith suspend the license, and shall request and require of the registrar the suspension of the registration or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this act.

Suspension upon proof of a conviction.

Section 17. **Proof Required Upon Certain Convictions.** (a) Whenever the supervisor, under any of the laws of this state, suspends, revokes, or cancels the license of any person upon receiving record of a conviction or a forfeiture of bail, the supervisor shall also request and require of the registrar the suspension of the registration for all motor vehicles registered in the name of such person,

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Exception.

except that the registrar shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

Duration of suspension.

(b) Such license and registration shall remain suspended, revoked or cancelled and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

Unlicensed person convicted of violation of law relating to operating motor vehicle on highway shall not be licensed unless such person gives and maintains proof of financial responsibility.

(c) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension, revocation or cancellation of a license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

Suspension of privilege of non-resident to continue until gives proof of financial responsibility.

(d) Whenever the supervisor suspends, revokes or cancels a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended, revoked or cancelled unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

Alternate methods of giving proof.

Section 18. **Alternate Methods of Giving Proof.** Proof of financial responsibility when required under this act with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing:

Certificate of insurance.

1. a certificate of insurance as provided in section 19 or section 20; or

Bond.

2. a bond as provided in section 24; or

Certificate of deposit of money.

3. a certificate of deposit of money or securities as provided in section 25; or

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4. a certificate of self-insurance, as provided in section 34, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer. Certificate of self-insurance.

No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such proof shall be furnished for such motor vehicle.

Section 19. **Certificate of Insurance as Proof.** (a) Proof of financial responsibility may be furnished by filing with the supervisor the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. Certificate of insurance as proof.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

Section 20. **Certificate Furnished by Nonresident as Proof.** (a) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the supervisor a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this act, and the supervisor shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified: Certificate furnished by non-resident as proof of financial responsibility.

Matters required of insurance carrier.

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1. said insurance carrier shall execute a power of attorney authorizing the supervisor to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state; and

2. said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertaking or agreements, the supervisor shall not thereafter accept as proof any certificate of said carrier whether theretofor filed or thereafter tendered as proof, so long as such default continues.

Section 21. **"Motor Vehicle Liability Policy" Defined.**

"Motor vehicle insurance policy" defined.

(a) A "motor vehicle liability policy" as said term is used in this act shall mean an owner's or operator's policy of liability insurance, certified as provided in section 19 or section 20 as proof of financial responsibility and issued, except as otherwise provided in section 20, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

Provisions as to owner's policy of liability insurance.

(b) Such owner's policy of liability insurance: 1. shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and 2. shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: five thousand dollars ($5,000.00) because of bodily injury to or death of one person in any one accident and subject to said limit for one person, ten thousand dollars ($10,000.00) because of bodily injury to or death of two or more persons in any one accident, and one thousand

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dollars ($1,000.00) because of injury to or destruction of property of others in any one accident.

Operator's policy of liability insurance.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

Motor vehicle liability policy.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this act.

(e) Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

Every such policy shall be subject to certain provisions which need not be contained therein.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein: 1. the liability of the insurance carrier with respect to the insurance required by this act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;

2. the satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent

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to the right or duty of the insurance carrier to make payment on account of such injury or damage;

3. the insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision 2 of subsection (b) of this section;

4. the policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the act shall constitute the entire contract between the parties.

Policy granting coverage in excess of that required.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this act. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this act.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Section 22. **Notice of Cancellation or Termination of Certified Policy.** When an insurance carrier has certified a motor vehicle liability policy under section 19 or a policy under section 20, the insurance so certified shall not be cancelled or terminated until at least ten (10) days after

Notice of cancellation or termination of certified policy.

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a notice of cancellation or termination of the insurance so certified shall be filed in the office of the supervisor, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Act not to affect other policies.

Section 23. **Act Not to Affect Other Policies.** (a) This act shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this act, may be certified as proof of financial responsibility under this act.

(b) This act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

Bond as proof of financial responsibility.

Section 24. **Bond as Proof.** (a) Proof of financial responsibility may be furnished by filing with the supervisor the bond of a surety company duly authorized to transact business in the state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of such bond, which real estate shall be scheduled in the bond approved by a judge of a court of record. Such bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancelable except after ten (10) days' written notice to the supervisor. Upon the filing of notice to such effect by the registrar in the office of the county clerk and recorder of the county wherein such real estate shall be located, such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a judgment against the person who has filed such bond.

Lien in favor of state on real estate of surety.

(b) The person in whose favor said lien shall exist may for his own use and benefit and at his sole expense bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may

Foreclosure of lien.

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exist upon the real estate of any person who has executed such bond. The provisions of the code of civil procedure (title 93), except insofar as the same are inconsistent with the provisions of this act, are applicable to and constitute the rules of practice in the said foreclosure actions or proceedings. The provisions of the code of civil procedure (title 93) relative to new trials and appeals, except insofar as the same are inconsistent with the provisions of this act, apply to said actions or proceedings.

Money or securities as proof of financial responsibility.

Section 25. **Money or Securities as Proof.** (a) Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him eleven thousand dollars ($11,000.00) in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of eleven thousand dollars ($11,000.00). The state treasurer shall not accept any such deposit and issue a certificate therefor and the supervisor shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Deposit to be held by state treasurer to satisfy execution on judgment against depositor.

(b) Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Owner may give proof for others.

Section 26. **Owner May Give Proof for Others.** Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the supervisor shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The supervisor shall designate

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the restrictions imposed by this section on the face of such person's license.

Section 27. **Substitution of Proof.** The supervisor shall consent to the cancellation of any bond or certificate of insurance or the supervisor shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this act.

Substitution of proof.

Section 28. **Other Proof May Be Required.** Whenever any proof of financial responsibility filed under the provisions of this act no longer fulfills the purposes for which required, the supervisor shall for the purpose of this act, require other proof as required by this act and shall suspend the license and request and require of the registrar the suspension of registration or the nonresident's operating privilege pending the filing of such proof.

Other proof may be required.

Section 29. **Duration of Proof—When Proof May Be Cancelled or Returned.** The supervisor shall upon request consent to the immediate cancellation of any bond or certificate of insurance, the supervisor shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this act as proof of financial responsibility, or the supervisor shall waive the requirement of filing proof, in any of the following events: 1. at any time after three (3) years from the date such proof was required when, during the three-year period preceding the request, the supervisor has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom such proof was furnished; or

Duration of proof.

The filing of proof may be waived, when.

2. in the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

3. in the event the person who has given proof surrenders his license and registration to the supervisor.

Provided, however, that the supervisor shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any

Supervisor shall not consent to cancellation of bond or return of securities, when.

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judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one (1) year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the supervisor.

Re-establishment of proof, when.

Whenever any person whose proof has been cancelled or returned under subdivision 3 of this section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such three-year period.

Section 30. **Transfer of Registration to Defeat Purpose of Act Prohibited.** If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the motor vehicle in the respect of which such registration was issued registered in any other name until the registrar is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this act. Nothing in this section shall in any wise affect the rights of any conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this section.

Transfer of registration to defeat purpose of act prohibited.

Section 31. **Surrender of License and Registration.** Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this act, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the supervisor shall immediately return his license and registration to the supervisor. If any person shall fail to return to the supervisor the license or registration as provided herein, the supervisor shall forthwith direct any peace officer to secure possession thereof and to return the same to the supervisor. The supervisor shall thereupon forward the registration to the registrar.

Surrender of license and registration.

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Section 32. **Other Violations—Penalties.** (a) Failure to report an accident as required in section 4 shall be punished by a fine not in excess of twenty-five dollars ($25.00), and in the event of injury or damage to the person or property of another in such accident, the supervisor shall suspend the license of the person failing to make such report, or the nonresident's operating privilege of such person, until such report has been filed and for such further period not to exceed thirty (30) days as the supervisor may fix.

Other violations. Failure to report accident — penalty.

(b) Any person who gives information required in a report or otherwise as provided for in section 4, knowing or having reason to believe that such information is false, or who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one (1) year, or both.

Wilfully giving false information in report.

Penalty.

(c) Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this act and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this act, shall be fined not more than five hundred dollars ($500.00) or imprisoned not exceeding six (6) months, or both.

Operating vehicle on highway during period of suspension.

Penalty.

(d) Any person wilfully failing to return license or registration as required in section 31 shall be fined not more than five hundred dollars ($500.00) or imprisoned not to exceed thirty (30) days, or both.

Wilfully failing to return license as required — penalty.

Section 33. **Exceptions.** This act shall not apply with respect to any motor vehicle owned by the United States, this state or any political subdivision of this state or any municipality therein; nor, except for sections 4 and 26 of this act, with respect to any motor vehicle which is subject to the provisions of Section 8-113 of the Revised Codes of Montana, 1947, requiring insurance or other security.

Exception.

Section 34. **Self-Insurers.** (a) Any person in whose

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Self-insurers.

name more than twenty-five (25) motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the supervisor as provided in subsection (b) of this section.

(b) The supervisor may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

Cancellation of certificate of self-insurance.

(c) Upon not less than five (5) days' notice and a hearing pursuant to such notice, the supervisor may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Assigned risk plans.

Section 35. **Assigned Risk Plans.** After consultation with insurance companies authorized to issue automobile liability policies in this state, the commissioner of insurance shall approve a reasonable plan or plans for the equitable apportionment among such companies of applicants for such policies and for motor vehicle liability policies who are in good faith entitled to but are unable to procure such policies through ordinary methods. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. Any applicant for any such policy, any person insured under any such plan, and any insurance company affected, may appeal to the commissioner of insurance from any ruling or decision of the manager or committee designated to operate such plan. Any person aggrieved hereunder by any order or act of the commissioner of insurance may, within ten (10) days after notice thereof, file a petition in the district court of Lewis and Clark county, Montana, for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree.

Construction of act.

Section 36. **Repeal of Existing Laws.** This act shall in no respect be considered as a repeal of the state motor vehicle laws, but shall be construed as supplemental thereto.

Specific sections of Rev. Codes, 1947, repealed.

Sections 53-401 to 53-417, inclusive, of the Revised Codes of Montana, 1947, are hereby repealed except with respect

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to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this act.

Section 37. **Past Application of Act.** This act shall not apply with respect to any accident or judgment arising therefrom or violation of the motor vehicle laws of this state, occurring prior to the effective date of this act.

Past application of act.

Section 38. **Act Not to Prevent Other Process.** Nothing in this act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

Act not to prevent other process.

Section 39. **Uniformity of Interpretation.** This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Uniformity of interpretation.

Section 40. **Constitutionality.** If any part or parts of this act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Saving clause.

Section 41. **Title of Act.** This act may be cited as the motor vehicle safety-responsibility act.

Title of act.

Section 42. **Appropriation of Funds.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of fifteen thousand two hundred dollars ($15,200.00) or so much thereof as may be necessary for the purposes herein set forth.

Appropriation of funds.

Section 43. **Further Violations—Penalties.** Any person who shall violate any provision of this act for which no penalty is otherwise provided shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than ninety (90) days, or both.

Other violations — penalties.

Section 44. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 45. **Effective Date of Act.** This act shall take effect the first day of October, 1951.

Effective date.

Approved March 5, 1951.

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CHAPTER 205

An Act Authorizing Raymond J. Johnson, of Deer Lodge County, Montana, to File With the State Board of Examiners His Claim Against the State of Montana, for Compensation for the Loss of Four Head of Purebred Holstein Milch Cows by Electrocution When They Came in Contact With a Broken Live Electric Power Wire, Maintained by the Montana State Hospital at Warm Springs, Montana, and Authorizing Said State Board of Examiners to Hear, Audit and Determine the Said Claim of Raymond J. Johnson Which the Said State Board of Examiners May Approve and Allow.

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble.

WHEREAS, Raymond J. Johnson asserts that on June 17, 1949, he lost four head of purebred Holstein dairy cows by electrocution, due to the fact that one strand of the electric power line running to a pump stationed and maintained by the Montana state hospital at Warm Springs, Montana, broke and fell to the ground directly in the path customarily used by Mr. Johnson's cattle when they are on their way to pasture. The wire broke during a moderately heavy snow, but the line was evidently defective because the other wires in that locality were not disturbed. An electrician and employee of the state, after locating the broken wire, passed directly by Mr. Johnson's house neglecting completely to make any warning as to possible danger to cattle in that vicinity. There was apparently no adequate fuse on said power line due to the fact that the power did not short out when coming into contact with the ground. The accident happened directly on the pole line right-of-way or easement maintained by the Montana state hospital, and across lands owned by the Anaconda Copper Mining Company and Mr. Johnson, approximately forty-five feet east of the wells where the pumps are maintained. The lands adjacent are unfenced and are used as open range for pasturing by various owners of livestock. On the morning in question, Mr. Johnson's cows were turned out to pasture and it was necessary for them to cross under the power line to get to Mr. Johnson's land, to which they were proceeding when they came in contact with the broken wire, and

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WHEREAS, said damage suffered by Mr. Johnson exceeds the amount of five hundred ($500.00) dollars, all of which was due to negligent construction and maintenance of the said power line, and the failure of the said state's employee to give sufficient warning, and

WHEREAS, said Raymond J. Johnson cannot prosecute a claim against the Montana state hospital nor the State of Montana without its consent, and

WHEREAS, said Raymond J. Johnson asserts that he did ask and request the state board of examiners to pay for and reimburse him for the damages for the cows in question, and he has been informed that no authority existed in the board of examiners nor the State of Montana, to pay his claim without an act of the legislature of the State of Montana,

NOW, THEREFORE,

Section 1. The board of examiners is hereby authorized to hear, audit and determine the claim of Raymond J. Johnson against the State of Montana for the damage alleged to have been sustained by him as above related and if the said board of examiners finds that such damages were so sustained on or about the seventeenth day of June, 1949, as hereinbefore set forth, then such damages shall constitute a legal and valid claim against the State of Montana, and the board of examiners may award, approve and allow such claims in favor of the claimant for such sum as shall be just and equitable, and the auditor is hereby authorized to draw his warrant upon the state treasurer for such sum as may be allowed and approved by said board of examiners; provided, however, that no claim shall be allowed and approved by said state board of examiners for any amount in excess of the sum of five hundred ($500.00) dollars; provided further, that such claim must be filed with said board of examiners within three months after the approval of this act.

Board of examiners authorized to hear and determine claim of Raymond J. Johnson.

Payment limited.

Section 2. The sum of five hundred ($500.00) dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of paying any claim which may be allowed and approved by said board of examiners in favor of Raymond J. Johnson; provided,

Appropriation.

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that in the event that any settlement is made with the said Raymond J. Johnson, that as a part of the consideration of said settlement, the said Raymond J. Johnson shall execute and deliver to the State of Montana, a release in full of all demands and claims of said Raymond J. Johnson against the State of Montana to the date of said release.

Release to be given.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 206

An Act to Amend Section 5866 of the Revised Codes of Montana, 1935, as Amended by Section 1 of Chapter 180 as of the Laws of the Thirty-first Legislative Assembly of the State of Montana Relating to Report and Consent Necessary on the Adoption of a Deserted or Abandoned Minor Child and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 5866, Rev. Codes, 1935, as amended.

Section 1. That Section 5866 of the Revised Codes of Montana, 1935, as amended by Section 1 of Chapter 180 of the Laws of 1949, be amended to read as follows, to wit:

Adoption of deserted child.

"Section 5866. Whenever it is made to appear to the satisfaction of the district court of any county, that any minor child has been deserted or abandoned by its parents or surviving parent, and that it has no legal guardian, it shall be lawful, with the approval of the district judge, for any person desirous of adopting said child to adopt the same according to law provided, however, that such person present to said court a report from a representative of the state department of public welfare, *or any licensed adoption agencies,* as to the condition and surroundings of the home of the proposed adoptive parents, such report also to contain all available information regarding said proposed adoptive parents and said child deemed by said state department of public welfare or said judge pertinent in the matter of such adoption, and provided further that the consent of the person or agency or department having the lawful custody of such child be given as provided by

Conditions to be complied with.

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law, *provided, further, that such report shall be filed within twenty (20) days of the filing of the petition, or such further time as the court or judge may allow, and no order of final adoption shall be made until the filing of such report or the expiration of the time for filing said report, as hereinbefore set forth.*''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1951.

CHAPTER 207

An Act to Amend the Laws of the State of Montana Relative to the Payment of Tuition for Elementary School Pupils Attending Schools Outside of the District in Which They Reside, and Particularly Section 75-1625, Revised Codes of Montana, 1947, Relating to Attendance of Elementary School Pupils at Schools Outside of State; Section 75-1630, Revised Codes of Montana, 1947, Relating to the Transfer of Funds from the District Where a Child Resides to the District Where Said Child Attends School; Section 75-1632, Subsection 3, Revised Codes of Montana, 1947, Relating to the Duties of Trustees to Determine the Rate of Tuition of Nonresident Pupils; and Section 75-3404, Relating to the Power of School Boards to Close Schools and Transport Pupils to Other Schools and the Authority for a District to Support Schools in Other Districts; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 75-1625, Rev. Codes, 1947.

Section 1. That Section 75-1625, Revised Codes of Montana, 1947, be, and it is hereby amended to read as follows:

Attendance of elementary school pupil at school outside of state.

''Section 75-1625. **Attendance of Elementary School Pupil at School Outside of State.** When the board of trustees of any school district shall deem it for the best interest of any pupil or pupils residing in such school district to attend an elementary school in some school district in a county situated in another state, and which school district adjoins the school district in which such pupil or pupils reside, and written consent thereto has

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been given by the county superintendent of schools of the county in which such pupil or pupils reside in accordance with the provisions of Section 75-1630, *as amended,* such board may expend any moneys belonging to their district for the purpose of either paying for the transportation of such pupil or pupils from their homes to the school in the district in the other state which is to be attended, or for board, rent or tuition for such pupil or pupils while actually attending such school, in the same manner and to the same extent as such money might be expended for transportation, board, rent or tuition of such pupil or pupils if permission were given for attending an elementary school in another school district in the county in which such pupil or pupils reside in accordance with the provisions of section *75-1630, as amended.*''

Amendment of Sec. 75-1630, Rev. Codes, 1947.

Section 2. That Section 75-1630, Revised Codes of Montana, 1947, be, and it hereby is amended to read as follows:

Transfer of funds.

''Section 75-1630. **Transfer of Funds.** Children may attend public elementary schools in districts in the county outside of the district in which they reside, or in a district in an adjoining county, or in a district in a county in another state when the district in such other state adjoins the district in which they reside, or is situated in a county in such other state, which county adjoins the State of Montana, when written permission is secured from the board of trustees of the district in which they are to attend school and when written permission has been given by the county superintendent of schools of the county in which the children reside. Permission must be granted for such attendance in another district within or without the county of such children's residence when the following conditions exist:

Conditions which must exist.

''1. When a child lives less than three (3) miles from a public elementary school in another district or county and three (3) or more miles from a public elementary school in the district or county of his own residence.

''2. When a child resides more than three (3) miles distance from a public elementary school within his own district or county and no transportation is furnished by the home district or county to such school.

''3. When regular bus transportation is furnished by a public elementary school in another district or county

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and his own district or county does not furnish transportation.

"Such distances mentioned above shall be measured from the point where the private family dwelling house is situated to the school house by the shortest traveled route.

"For the purpose of determining the residence of such child the place where the father resides and earns the major portion of the living for his family, shall be used.

"4. When a family has children who must attend high school outside of its own district or county and such family also has elementary school children who can more conveniently attend the elementary grades in the same district where the high school is located, provided such elementary children live more than three (3) miles from the home school or that a parent must move to town to provide high school education for his children.

"5. When the county superintendent of schools of the county where the child resides, for any other reason than stated above shall approve the attendance of any child in a public elementary school in another county. In approving such attendance in another district or county, the county superintendent shall take in consideration such items as distance to school, road conditions, trading center of parents, opportunity to live with relatives, dormitory facilities, living conditions, transportation and type of educational program.

Tuition to be pail to district where child attends by the district where the child resides.

"When approval of attendance in another district within or without the county has been granted, the district in which such child resides shall pay to the school district where such child attends, *an amount based on the following tuition rates: in the case of attendance at an elementary school with an average number belonging up to one hundred (100), the tuition to be paid shall be one hundred fifty dollars ($150.00); where the school attended has an average number belonging between one hundred one (101) and three hundred (300), the tuition shall be one hundred twenty-five dollars ($125.00); and where the school attended has an average number belonging over three hundred (300), the tuition rate shall be one hundred dollars ($100.00) per pupil.*

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"It is hereby made the duty of the board of school budget supervisors in approving the budgets, to include therein an item to care for the above tuition, if this has not already been done by the board of trustees in preparing the budget for the district.

Application for permission to attend school outside the district or county.

"Applications for permission to attend a school outside the district or county shall be made to the county superintendent before July 1, previous to the year of attendance, excepting in those cases where circumstances prevent such application. These applications are to be approved or disapproved, except as otherwise provided by law, by the county superintendent, and by the trustees of the district the pupil wishes to attend.

Clerk of outside school district to transmit names of pupils from other districts.

"At the close of the school term of the year in which such pupil attends this school outside the district, the clerk of such district shall transmit to the county superintendent the names of pupils from other districts attending his school, together with the number of days attended. This information in turn shall be transmitted by the county superintendent to the districts affected and such district shall reimburse the school attended for all pupils of its district; provided such pupil has attended at least forty (40) days. This amount of reimbursement shall be made an item of the budget for the coming year and reimbursement shall be made to the district of attendance out of the first funds available to the budget; provided, however, that the trustees of the district receiving pupils from another district may waive any or all tuition; provided, further, that the amount of this tuition shall not reduce the foundation program of the school paying it, but shall be an additional item added to it to be raised without a vote of the people; and provided further, that the district receiving the tuition may apply it against the needs of the budget after the regular district, county, and state aid have been received.

Amount of tuition can be raised, when.

"In the case of a district which does not operate a school, the amount of this tuition can be raised without a vote of the people if the five (5) mill district levy and other local revenue is insufficient to raise the amount needed.

Determination of eligibility of pupils transferring.

"It shall be the responsibility of the superintendent of schools and the board of trustees of the public elementary

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school receiving the pupils and county superintendent of schools of the county of the pupils' residence to determine and agree upon eligibility of pupils transferring under the provisions of this act; provided, that an appeal may be taken to the state superintendent of public instruction.''

Appeal.

Section 3. That Section 75-1632, Subsection 3, Revised Codes of Montana, 1947, be, and it hereby is amended to read as follows:

Amendment of Sec. 75-1632, Sub-Sec. 3, Rev. Codes, 1947.

''Section 75-1632. **Duties of Trustees.** Every school board unless otherwise specially provided by law shall have power and it shall be its duty:

Duties of trustees.

''1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the superintendent of public instruction for their own government of schools under their supervision.

Rules for government of schools.

''2. To employ or discharge teachers, mechanics or laborers, and to fix and order paid their wages; provided, that no teacher shall be employed except under resolution agreed to by a majority of the board of trustees at a special or regular meeting; nor unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a board of trustees, shall be in writing and executed in duplicate by the chairman and clerk of the board, for the district and by the teacher.

Employment and discharge of teachers.

''3. To determine the rate of tuition of non-resident pupils *according to the provisions of Section 75-1630, Revised Codes of Montana, 1947, as amended.*

Rate of tuition.

''4. To fix the compensation of the clerk.

''5. To enforce the rules and regulations of the superintendent of public instruction for the government of schools, pupils, and teachers and to enforce the course of study.

''6. To provide for school furniture and for everything needed in the schoolhouse or for the use of the school board.

''7. To repair and insure schoolhouses and to rent, lease and let to such persons or entities as the board may deem proper, the grade school halls, gymnasium and build-

Repair, insurance and rental of building.

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ings and part thereof for such time and rental as the board may designate. All rentals shall be paid to the county treasurer for the credit of the school district.

Acquisition and disposition of land and buildings.

"8. To purchase, acquire, sell and dispose of plots or parcels of land to be used as sites for schoolhouses, school dormitories and other school buildings, and for other purposes in connection with the schools in the district; to build, purchase or otherwise acquire schoolhouses, school dormitories and other buildings necessary in the operation of schools of the district, and to sell and dispose of the same; provided, that they shall not build or remove schoolhouses or dormitories, nor purchase, sell or locate school sites unless directed so to do by a majority of the electors of the district voting at an election held in the district for that purpose, and such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers, and notice thereof shall be given by the clerk by posting three (3) notices in three (3) public places in the district at least ten (10) days prior to such election, which notices shall specify the time, place, and purpose of such election. Provided, further, that this subdivision shall not be so construed as to prevent the board of trustees from purchasing one (1) or more options for a school site.

Election a prerequisite.

"9. To hold in trust for their district all real or personal property for the benefit of the school thereof.

"10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six (6) years of age where the interest of the school requires such exclusion.

Indigent children.

"11. To provide clothing and medical aid for indigent children when it shall be made to appear that such aid is needed; and when deemed advisable to employ a physician or registered nurse to make inspection into the sanitary conditions of the school and the general health conditions of each pupil, and to make a full, detailed report to the board of trustees. The clerk of the district shall furnish immediately to each parent or guardian a copy of such portion of the above mentioned report as pertains to his child or ward.

General health conditions.

"12. To require pupils to be furnished with suitable books as a condition of membership in school.

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"13. To exclude from school and school libraries all books, tracts, papers and other publications of immoral and pernicious nature.

"14. To require teachers to conform to the law.

"15. To make an annual report, as required by law, to the county superintendent on or before the first day of August in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.

"16. To make a report directly to the superintendent of public instruction whenever instructed by him to do so.

"17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent in districts of the third class.

"18. To visit every school in their district at least once in each term, and to examine carefully into its management, conditions and needs. This clause applies to each of the trustees.

"19. To provide separate privies or outhouses for the use of the sexes at all schoolhouses, where the same do not exist, and to see that the same are kept in good repair, and in a clean condition. Such privies or outhouses must be located and built in such manner as to secure privacy. In all cases where there is no fence dividing the play yards of the sexes, the privies or outhouses herein named shall be separate and distinct buildings, and situated at least twenty (20) feet apart, and to require that all teachers and janitors use due care in keeping all toilets in good repair and in clean condition and free from obscenity; provided, that any trustee or trustees, teacher, janitor or janitors, failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars ($100.00), or imprisoned in the county jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court. Outhouses. Penalty.

"20. To allow pupils residing in other districts to attend school in the district of which they have charge, if in their judgment there is sufficient room.

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American flag to be displayed.

"21. To procure, by purchase or donation, and to cause to be displayed daily in suitable weather, an American flag, with accompanying necessary fixtures, for each and every schoolhouse in their respective districts. Said flags shall be of dimensions not less than four (4) by six (6) feet, and shall be made from durable material. The school trustees are hereby authorized and empowered to use such portion of the school funds as remain in their hands, and which is not otherwise appropriated, for the purchase and erection of fixtures.

"22. To close school at their discretion during the annual session of the State Teachers' Association, and to allow teachers to attend the same without loss of salary.

School lunches.

"23. To provide foods, cooks, janitor services and equipment for school lunches when deemed advisable by the board. Governed by its own judgment, the board may impose a money charge, produce or services from the pupils desiring to and participating in the program of school lunches."

Amendment of Sec. 75-3404, Rev. Codes, 1947.

Section 4. That Section 75-3404 of the Revised Codes of Montana, 1947, be, and it hereby is amended to read as follows:

"Section 75-3404. **School Boards May Close Schools and Transport Pupils to Other Schools — District to Support Schools of Other Districts.** The board of trustees shall have the power to close any elementary school within the district, and transport the pupils to another *elementary* school or schools within the district, or to a school or schools in other districts, when the board deems such act to be for the best interests of all the pupils attending school. Trustees of other districts may accept the entrance of children from closed schools to their schools; provided, that whenever a district is thus relieved of the necessity of furnishing schooling for any or all of its pupils, it shall be the duty of the school board of such district to assist in the support of the school which the children of such district are attending *according to the schedule set up in Section 75-1630, Revised Codes of Montana, 1947, as amended.*"

School boards may close schools and transport pupils to other schools.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 6. This act shall be in full force and effect from and after the first day of June, 1951. Effective date.

Approved March 5, 1951.

CHAPTER 208

An Act to Amend Sections 9, 10, 14, 15, Chapter 199, Session Laws, 1949, and Section 75-1723, Revised Codes of Montana of 1947, Relating to Changes in the Budget by Budget Board, Restrictions on Budget, Fixing the Tax Levy, Allowance for Additional Expenses Over the Foundation Program, and Levy of Taxes, to Provide for an Increase in the Permissive Levy and Change in the Base for Levy for County High School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9, Chapter 199, Session Laws of 1949, be, and the same is hereby amended to read as follows: Amendment of Sec. 9, Chap. 199, Laws of 1949.

"Section 9. **Changes in Budget by Budget Board — Restrictions on Budgets.** If the total amount of the proposed elementary general fund expenses in the preliminary budget of any district shall exceed the foundation program of such district, the budget board shall, in the manner and subject to the limitations prescribed by Section 75-1713, Revised Codes of Montana of 1947, reduce such proposed general fund expenses to a total equal to said foundation program unless the board of trustees of said district shall establish to the satisfaction of the budget board that special circumstances exist which justify such additional expenses, and in such event a statement of the reasons for the allowance of such additional expenses shall be attached to said budget and signed by the chairman of the budget board, but the entire amount of such excess expense over the foundation program shall be paid solely from levies upon the property in such district and shall not in any manner increase the amounts to be apportioned hereunder from the county common school levy or from the state public school equalization fund; and provided, that, except in the case of the existence of the emergencies specified in Section 75-1716, Revised Codes of Montana of 1947, the entire amount of such additional expense over the founda- Changes in budget by budget board. Additional expenses.

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tion program to be included in the budget of any district shall not be greater than *thirty per cent (30%)* of the foundation program of any school; provided that nothing herein contained shall be construed as preventing the voting of an additional levy in accordance with the general school laws pertaining to the voting of additional levies."

Restriction on budgets.

Amendment of Sec. 75-1723, Rev. Codes, 1947, as amended.

Section 2. That Section 75-1723, Revised Codes of Montana of 1947, as amended by Chapter 199, Session Laws of 1949, be, and the same is hereby amended to read as follows:

Fixing tax levy.

"75-1723. **Fixing Tax Levy.** The county superintendent of schools, as clerk of the school budget board, shall, when the board of county commissioners meet on the second Monday in August for the purpose of fixing tax levies, lay before such board the elementary school budgets for all school districts in the county, as finally adopted and approved by the school budget board, and it shall be the duty of the county commissioners of each county in the state to fix and levy a tax of five (5) mills on the dollar of the taxable value of all school districts within the county, provided that if a levy of less than five (5) mills will be sufficient to meet the approved budget of any school district, then such lesser levy shall be made, but no school district levying less than five (5) mills shall receive any apportionment for the state public school equalization fund.

Levy of tax for revenue required by final budget.

"It shall further be the duty of the county commissioners of each county in the state to fix and levy a tax for each school district in the county within the limitations prescribed by this act in such number of mills as will produce the amount shown by the final budget to be raised by tax levy, which may also include a reserve fund, not to exceed thirty-five per cent (35%) of the amount appropriated in the final and approved budget for the then current school year, for the purpose of maintaining the elementary and high school of the district from July 1 to November 30 of the next succeeding year, provided that such school district tax shall not, unless approved by a vote of the taxpaying electors, exceed the rate of levy required to produce an amount equal to the foundation program, within the limitations of *thirty per cent (30%)*, hereinbefore specified, *and provided, further, that such last*

Limitations upon tax.

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mentioned additional school district tax shall not, in any event, exceed fifteen (15) mills unless the excess above said ten mill limitation shall first have been authorized at an election held in accordance with the general school laws pertaining to the voting of additional levies."

Amendment of Sec. 14, Chap. 199, Laws of 1949.

Section 3. That Section 14, Chapter 199, Session Laws of 1949, be, and the same is hereby amended to read as follows:

Reduction in budget by budget board.

Section 14. **Reduction in Budget by Budget Board — Allowance of Additional Expenses Over Foundation Program.** If the total amount of the proposed general fund expenses in the preliminary budget of any district or county high school shall exceed the foundation program thereof, the budget board shall, in the manner provided by Section 75-4518, Revised Codes of Montana of 1947, reduce such proposed general fund expenses to a total equal to said foundation program unless the board of trustees of said district or county high school shall establish to the satisfaction of the budget board that special circumstances exist which justify such additional expenses, and in such event a statement of the reasons for the allowance of such additional expenses shall be attached to said budget and signed by the chairman of the budget board, but the allowance of such excess expense over the foundation program shall not in any manner increase the amounts to be apportioned hereunder from the state public school equalization fund; and provided that, except in the case of the existence of the emergencies specified in Section 75-4521, Revised Codes of Montana of 1947, the entire amount of such additional expense over the foundation program to be included in any high school budget including any reserve fund, not to exceed thirty-five per cent (35%) of the amount appropriated in the final and approved budget for the then current school year, for the purpose of maintaining the elementary and high school of the district from July 1 to November 30 of the next succeeding year, shall not be greater than *thirty per cent (30%)* of the foundation program of any high school, *having an ANB of 100 or less pupils, and shall not be greater than twenty-five per cent (25%) of the foundation program of any high school having an ANB of more than 100 pupils."*

Allowance of additional expenses over foundation program.

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Amendment of Sec. 15, Chap. 199, Laws of 1949.

Section 4. That Section 15, Chapter 199, Session Laws of 1949, be, and the same is hereby amended to read as follows:

Levy of taxes.

"Section 15. **Levy of Taxes.** It shall be the duty of the county commissioners of each county in the state to levy an annual special tax for high schools of ten (10) mills on the dollar of the taxable value of all taxable property within the county, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes and which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected; provided that if a levy of less than ten (10) mills should be sufficient to meet the total of the approved budgets of all school districts within the county, then such lesser levy shall be made, but no high school within a county levying less than ten (10) mills for high school purposes shall receive any apportionment from the state public school equalization fund.

Levy to produce amount shown by final budget.

"If the revenues for the operation and maintenance of any high school, including the amount apportionable from said ten (10) mill special tax for high schools, shall be less than the foundation program of such high school and the approved additions thereto included in its budget, within the *limitations* hereinbefore specified, it shall be the further duty of the board of county commissioners to fix and levy a tax, in such number of mills as will produce the amount shown by the final budget to be raised by tax levy, which tax shall, in the case of a county high school not located within a building district, be levied upon all property in the county, *excepting the property of any district supporting a district high,* and shall, in the case of a county high school located within a high school building district, be levied upon all property in such building district and which tax shall, in the case of a district high school not located within a building district, be levied upon all property within the school district, and shall, in the case of a district high school located within a building district, be levied upon all property in such building district; *provided, however, that such last mentioned additional tax shall not, in any event, exceed ten (10) mills unless the excess above said ten-mill limitation shall first have been authorized at an election held in accordance with the gen-*

Limitation of tax.

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eral school laws pertaining to the voting of additional levies.''

Section 5. That all acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 6. This act shall be in full force and effect from and after the first day of July, 1951. Effective date.

Approved March 5, 1951.

CHAPTER 209

An Act to Amend Section 77-601 of the Revised Codes of Montana, 1947, Relating to the Re-employment of Persons Completing Military or Naval Service to Provide for Later Selective Service, National Guard and Reserve Officers Acts and to Provide for the Time of Such Re-employment of Teachers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 77-601 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amendment of Sec. 77-601, Rev. Codes, 1947.

''Section 77-601. **Re-employment of Persons Completing Military or Naval Service.** Any person inducted into the land or naval forces of the United States, as a result of the operation of *any* selective training and service act or national guard and reserve officers mobilization act *since 1948,* who has satisfactorily completed his period of training and service as attested by a certificate to that effect, shall be re-employed in the position he left in order to perform such training and service if (1) he is still qualified to perform the duties of such position, (2) the position he formerly held was not a temporary one and (3) he makes application for re-employment within forty (40) days after he is retired from training service. *Should any person, qualified for such re-employment, be a school teacher or instructor, the board of trustees or other employing agency of the school involved shall not be obligated to rehire such person until the beginning of the semester or quarter following the one in which the application for such re-employment was made.''* Re-employment of persons completing military or naval service.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 210

An Act to Amend Section 75-3801, Revised Codes of Montana, 1947, as Amended by Section 12 of Chapter 199, of the Laws of the Thirty-first Legislative Assembly of the State of Montana, Relating to District School Taxes to Be Raised by a Vote of the People, to Provide for an Increase in the Permissive Levy for High Schools and Elementary Schools and to Provide for a Voted Levy for District and County High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 75-3801, Rev. Codes, 1947, as amended.

Section 1. That Section 75-3801, Revised Codes of Montana, 1947, as amended by Section 12, Chapter 199, Session Laws of 1949, be, and the same is hereby amended to read as follows:

District school taxes — when election is required.

"75-3801. **District School Taxes, Election.** (1) Whenever the board of trustees of any school district shall deem it necessary to raise money by taxation in excess of the levy required to meet its foundation program and approved additions thereto within the limitation of *thirty per cent (30%)* hereinbefore specified, *and whenever the levy required to meet said approved additions to the elementary foundation program of such district shall require a tax levy exceeding fifteen (15) mills,* for the purpose of maintaining the schools of said district, or building, altering, repairing or enlarging any school house or houses of such district, for furnishing additional school facilities for said district, or for any other purpose necessary for the proper operation and maintenance of the schools of said district, said board of trustees shall determine and fix the amount necessary and required for such purpose or purposes in addition to the five (5) mill levy and the *approved* addition to its foundation program hereinbefore provided for, and it shall submit the question of an additional levy to

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raise said amount to the qualified electors residing within the district who are taxpayers and whose names appear upon the last completed assessment roll of the county for state, county and school taxes, either at the regular annual election held in said district, or at a special election called for that purpose by the board of trustees of said district. Such election shall be called by resolution in the same manner as provided for other school elections, and shall be held prior to August first.

Election.

"(2) *Whenever the board of trustees of any district or county high school shall deem it necessary to raise money by taxation in excess of the levy required to meet its foundation program and approved additions thereto within the limitations hereinbefore specified for the purpose of maintaining the high schools of said district or the county high school, or building, altering, repairing or enlarging any school house or houses of such district or county high school, for furnishing additional school facilities for said district, or county high school, or for any other purpose necessary for the proper operation and maintenance of the schools of said district, or county high school, said board of trustees shall determine and fix the amount necessary and required for such purpose or purposes in addition to any other legal levies on the district, including the approved addition to its foundation program hereinbefore provided for, and in the case of the district high school it shall submit the question of an additional levy to raise said amount to the qualified electors residing within the district who are taxpayers and whose names appear upon the last completed assessment roll of the county for state, county and school taxes, either at the regular annual election held in said district or at a special election called for that purpose by the board of trustees of said district. In the case of the county high school the board shall submit the question of an additional levy to raise said amount to the qualified electors residing within the county, exclusive of those residing within any district maintaining a district high school in the county, who are taxpayers and whose names appear upon the last completed assessment roll of the county for state, county and school taxes, either at the regular annual elections held in said districts, or special elections called for that purpose by the board of trustees of said county high school. Such election shall be called*

Board to fix amount of taxes necessary.

Submission of question of additional levy in case of county high school.

Election.

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by resolution in the same manner as provided for other school elections, and shall be held prior to August first; and provided, further, that the provisions of this act shall not prevent the voting of a special levy on a high school district as provided for in Chapter 130, Laws of 1949.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 2, 1951.

CHAPTER 211

An Act to Amend Section 25-236 of the Revised Codes of Montana, 1947, Relating to the Fees of Coroners and Section 16-3408 of the Revised Codes of Montana of 1947, Relating to Stenographers of Coroners for Counties Having a Population by the Latest Federal Census Enumeration of Forty-five Thousand (45,000) or More, to Provide That in Counties Having a Population of Forty-five Thousand (45,000) or More by Such Federal Census Enumeration, the Coroner Shall Receive a Salary of Not to Exceed Three Thousand Seven Hundred Fifty Dollars ($3,750.00) Per Annum Together With Mileage, in Lieu of All Fees; Providing That in Such Counties the Salaries of Coroners and Their Stenographers Shall Be Fixed by the County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 25-236, and Sec. 16-3408, Rev. Codes, 1947.

Section 1. That Section 25-236 of the Revised Codes of Montana of 1947 and Section 16-3408 of the Revised Codes of Montana of 1947, be, and the same are hereby amended to read:

Fees of coroner.

''Section 25-236. **Fees of Coroner.** The coroner is entitled to receive and collect for his own use the following fees:

''For each day or fraction of day engaged in making an investigation relative to a death, whether an inquest is later held or not, the sum of five dollars ($5.00), provided that not more than one day's fees shall be charged for

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making an investigation in any one case, except in counties of the first, second and third class;

"For each day or fraction of day engaged in holding an inquest, five dollars ($5.00), provided that not more than two days' fees shall be charged for holding an inquest in any one case;

"For subpoenaing each witness, including copy of subpoena, thirty cents (30¢);

"For summoning each juror, including copy of summons, thirty cents (30¢);

"For each oath administered, five cents (5¢);

"For making transcript of testimony, per folio, fifteen cents (15¢);

"For each mile actually traveled in the performance of any duty, seven cents (7¢);

"For filing papers, each five cents (5¢);

Total Amount of fees limited.

"The total amount of fees allowed by the board of county commissioners to a coroner, except when acting as sheriff, must not exceed twenty-one hundred dollars ($2100.00) in any one year, including compensation paid all clerks, stenographers and other clerical assistants employed by him, provided the coroner in a county having a population of *forty-five thousand (45,000)* or more, *according to the latest federal census enumeration, may, at the discretion of the county commissioners* receive a salary of not *to exceed three thousand seven hundred fifty dollars ($3,750.00)* per year and mileage as above provided in lieu of all fees above mentioned, and all clerical and stenographic help except as provided in Section 16-3408, Revised Codes of Montana of 1947, shall be included in such salary. Said population to be based on the *latest* United States census.

Justice of the peace as coroner.

"A justice of the peace, acting as coroner, is allowed the same fees as the coroner, and no more.

Coroner, as acting sheriff.

"If acting as sheriff, the coroner is allowed the same fees as sheriff or constable for like services."

"Section 16-3408. **Stenographers for Coroners in Counties having a population by the *Latest* Federal Census of**

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Stenographers for coroners in counties having population of 45,000.

of *Forty-five Thousand (45,000) or More.* In each county having a population by the *latest federal census enumeration of forty-five thousand (45,000) or more,* the coroner may, with the consent of the county commissioners, appoint a stenographer, who shall hold such position during the pleasure of the coroner making the appointment, and who shall receive as salary a *sum to be fixed by the board of county commissioners,* to be paid monthly out of the contingent fund of the county upon the order of the board of county commissioners.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after the date of passage and approval.

Approved March 5, 1951.

CHAPTER 212

An Act to Subject to Assessment and Taxation Interests in Real and/or Personal Property of the United States Held by Taxable Ownerships; Declaring Liens and Providing for the Collection of Such Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Taxation of interest of persons in property owned by the United States.

Section 1. Real and/or personal property of the United States or any department or agency thereof held under contract of sale, lease or other interest or estate therein by any person, corporation, or other association for his or its exclusive use shall be subject to assessment for ad valorem property taxation as in this act provided; provided, that this act shall not apply to real property held and in immediate use and occupation by this state or any county, municipal corporation or political subdivision therein.

Property held under contract of sale, assessed value of.

Section 2. When such property is held under a contract of sale or other agreement whereby on certain payment or payments the legal title is or may be acquired by such person, corporation or association, such real property shall be assessed and taxed as for the full value thereof without deduction on account of the whole or any part of the purchase price or other sum due on such property

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remaining unpaid; provided, that the lien for such tax shall neither attach to, impair nor be enforced against any interest of the United States in such real property.

Valuation of leasehold interest.

Section 3. When such property is held under lease or other interest or estate therein less than the fee, except under contract of sale, such property shall be assessed and taxed as for the true cash value of such leasehold, interest or estate in such property and the lien for such tax shall attach to and be enforced against only the leasehold, interest or estate in such property; provided, that where the United States authorizes the taxation of such property for the full value of the fee thereof, such property shall be assessed for such full value.

Taxes constitute a debt—action to collect.

Section 4. In addition to all other remedies available for the collection of taxes, all taxes levied in any year against property held as under the provisions of this act shall be a debt due and owing from the person, corporation or association so holding such property as of the date of delinquency for taxes on property for such tax year. If any such tax be not paid within one year from such date, the county within which such property is located may institute for itself, the State of Montana and all other municipal corporations sharing in such taxes, an action for the collection of said taxes, together with interest, costs and other lawful charges thereon. At the time of commencement of such action the county shall have the benefit of all laws of this state pertaining to provisional remedies against the properties, either real or personal, of said person, corporation or association.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 213

An Act Authorizing the State of Montana to Join With Other States and With the United States in an Interstate Civil Defense and Disaster Compact; Prescribing Procedure for Withdrawal from the Compact; Prescribing the Powers of the Governor With Reference Thereto; and Setting Forth the Provisions of the Compact.

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Be it enacted by the Legislative Assembly of the State of Montana:

Short title of act.

Section 1. **Short Title.** This act may be cited as the interstate civil defense and disaster compact act.

Governor authorized to join in the interstate civil defense and disaster compact.

Section 2. **Governor Authorized to Join in the Interstate Civil Defense and Disaster Compact.** The governor of the State of Montana is hereby authorized for and in the name of the State of Montana, to join with other states in the interstate civil defense and disaster compact as developed by the civil defense office of the national security and resources board and the council of state governments.

Form of compact.

Section 3. **Form of Compact.** The Interstate Civil Defense and disaster compact referred to in the preceding section, and which it is proposed to enter into by agreement, reads as follows:

"INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT"

"The contracting states solemnly agree:

Purpose of compact.

"Article 1. The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause, natural or otherwise, including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means and other weapons. The prompt, full and effective utilization of the resources of the respective states including such resources as may be available from the United States government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the states that are parties hereto. The directors of civil defense of all party states shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Duty of party state.

"Article 2. It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the

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United States government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and other distinctive articles to designate and distinglish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drill, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

"Article 3. Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights,

Action, when requested to render mutual aid.

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privileges and immunities as if they were performing their duties in the state in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the state receiving assistance.

Certificate of qualifications of a person by any state to be recognized in any party state.

"Article 4. Whenever any person holds a license, certificate or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate or other permit as if issued in the state in which aid is rendered.

Limitation of liability of party states.

"Article 5. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Supplementary agreements may be made by party states.

"Article 7. Each party state shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

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"Article 8. Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Reimbursement for aid rendered in another state.

Supplementary agreements as to allocation of costs.

"Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party state of which the evacuees are residents, or by the United States government under plans approved by it. After the termination of the emergency or disaster the party state of which the evacuees are resident shall assume the respon-

Plans for evacuation and reception of civilian population.

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sibility for the ultimate support or repatriation of such evacuees.

"State" defined.

"Article 10. This compact shall be available to any state, territory or possession of the United States, and the District of Columbia. The term 'state' may also include any neighboring foreign country or province or state thereof.

Committee may request U. S. civil defense agency to act as co-ordinating body.

"Article 11. The committee established pursuant to Article 1 of this compact may request the civil defense agency of the United States government to act as an informational and co-ordinating body under this compact.

Compact to become operative upon its ratification by any state.

"Article 12. This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the civil defense agency and other appropriate agencies of the United States government.

Duration of compact.

"Article 13. This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until thirty (30) days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

Construction.

"Article 14. This compact shall be construed to effectuate the purposes stated in article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby."

Governor authorized to execute supplemental agreements.

Section 4. **Governor Authorized to Execute Supplemental Agreements.** The governor of the State of Montana is hereby authorized to negotiate and execute such supplemental agreements as may be necessary and proper to fully carry into effect the terms and provisions of the

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interstate civil defense and disaster compact as set forth in section 3.

Section 5. **Effective Date of Act.** This act shall take effect upon its passage and approval. Effective date of act.

Approved March 5, 1951.

CHAPTER 214

An Act Creating the Montana Security and Defense Forces; Relating to the Authority for the Organization of Military Forces When the National Guard Is Absent in Federal Service; Relating to the Rules and Regulations for the Government of Such Forces; the Pay, Allowance, Expenses, Supplies, Equipment, Maintenance, Training, Discipline, and Administration of Such Forces; Relating to the use of Armories and Other State Owned Buildings and Facilities; the Use of Such Forces Without the State; the Authority to Use the Forces of Other States Within This State; Federal Service, Civil Groups, Disqualifications, Oaths of Office, Articles of War, Freedom from Arrest, Jury Duty, Enlistment, Removal from Service and the Employment of Such Forces in the Service of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act may be cited as the Montana security and defense forces act. Title of act.

Section 2. **Authorities and Names.** The governor is hereby authorized to organize and maintain within this state, under such regulations as the secretary of defense of the United States may prescribe for discipline and training, such military forces as the governor may deem necessary to defend this state whenever the national guard of this state is in active federal service outside of the State of Montana, or on orders to be transferred outside of the State of Montana. The governor shall have authority to organize such military forces at any time, but shall not have authority to call said forces into active duty for the defense of this state except upon declaration by him of a state of emergency and when all of the national guard of this state is in active federal service, outside of the State Governor authorized to organize military forces, when.

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of Montana, or on orders to be transferred outside of the State of Montana. Such forces shall be composed of officers commissioned or assigned, and such able-bodied citizens of the state as shall volunteer for service therein, supplemented, if necessary, by members of the unorganized militia enrolled by draft or otherwise as provided by law. Such forces shall be additional to and distinct from the national guard, and shall be known as the Montana home guard. Such forces shall be uniformed.

Organization, rules and regulations.

Section 3. **Organization, Rules and Regulations.** The governor is hereby authorized to prescribe rules and regulations not inconsistent with the provisions of this act, governing the enlistment, organization, administration, equipment, maintenance, training, and discipline of such forces; provided, such rules and regulations, insofar as he deems practicable and desirable shall conform to existing law governing and pertaining to the national guard and the rules and regulations promulgated thereunder, and shall prohibit the acceptance of gifts, donations, gratuities, or anything of value by such forces or any member of such forces from any individual, firm, association, or corporation by reason of such membership.

Pay and allowances of officers and enlisted men.

Section 4. **Pay and Allowances of Officers and Enlisted Men.** Officers and enlisted men of the forces herein authorized, on active duty in the service of the state, shall receive such pay and allowances as the legislature shall prescribe.

Requisitions — armories — buildings and facilities.

Section 5. **Requisitions; Armories; Other Buildings and Facilities.** For the use of such forces the governor is hereby authorized to submit requisitions to the secretary of defense of the United States for such arms and equipment as may be in the possession of and as may be excess to or not required by the department of defense; to submit requisitions for such arms and equipment as may be in the possession of the department of the army and as may be allotted to or available to such forces as are herein authorized; to provide such arms and equipment as may be required by said forces and as may not be furnished or supplied by the department of the army and as may be required in the defense of the state; and to make available to such forces the facilities of state armories and their equipment and such other state premises, supplies, property, and equipment as may be available.

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Section 6. **Use Without This State.** Such forces shall not be required to serve outside the boundaries of this state except:

Service outside state, when.

(a) Upon the request of the governor of another state, the governor of this state may, at his discretion, order any portion or all such forces to assist the military or police forces of such other state who are actually engaged in defending such other state. Such forces may be recalled by the governor at his discretion.

(b) Any organization, unit, or detachment of such forces, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces beyond the borders of this state into another state until they are apprehended or captured by such organization, unit, or detachment or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons, provided, such other state shall have given authority by law for such pursuit by such forces of this state. Any such person who shall be apprehended or captured in such other state by an organization, unit, or detachment of the forces of this state shall without unnecessary delay be surrendered to the military police forces of the state in which he is taken or to the United States, but such surrender shall not constitute a waiver by this state of its right to extradite or prosecute such person for any crime committed in this state.

Section 7. **Permission to Forces of Other States.** Any military forces or organization, unit, or detachment thereof, of another state, who are in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this state until the military or police forces of this state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons and are hereby authorized to arrest or capture such persons within this state while in fresh pursuit. Any such persons who shall be captured or arrested by the military forces of such other state while in this state shall without unnecessary delay be surrendered to the military or police forces of this state to be dealt with according to law. This section shall

When forces of another state may continue pursuit into Montana.

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not be construed so as to make unlawful any arrest in this state which would otherwise be lawful, and nothing contained in this section shall be deemed to repeal any of the provisions of the uniform act of the fresh pursuit of criminals.

Federal service.

Section 8. **Federal Service.** Nothing in this act shall be construed as authorizing such forces or any part thereof to be called, ordered, or in any manner drafted, as such, into the military service of the United States, but no person shall by reason of his or her enlistment or commission in any such forces be exempted from military service under any law of the United States.

Civil groups.

Section 9. **Civil Groups.** No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league, or other combination of persons or civil group shall be enlisted in such forces as an organization or unit.

Disqualifications.

Section 10. **Disqualifications.** No person shall be commissioned or enlisted in such forces who is not a citizen of the United States, or who has not declared his intention to become a citizen and obtained his first citizenship papers, or who has been expelled or dishonorably discharged from any military or naval organization of this state, or of another state, or of the United States.

Oath of officers.

Section 11. **Oath of Officers.** The oath to be taken by officers commissioned in such forces shall be substantially in the form prescribed for officers of the national guard, substituting the words "Montana home guard" where necessary.

Enlisted men.

Section 12. **Enlisted Men.** No person shall be enlisted for more than one year, but such enlistment may be renewed. The oath to be taken upon enlistment in such forces shall be substantially in the form prescribed for enlisted men of the national guard substituting the words "Montana home guard" where necessary.

Articles of war.

Section 13. **Articles of War; Freedom From Arrest; Jury Duty.** (a) Whenever such forces or any part thereof shall be ordered out for active service, the articles of war of the United States applicable to members of the national guard of this state in relation to courts-martial, their jurisdiction and limits of punishment and the rules and

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regulations prescribed thereunder shall be in full force and effect with respect to the Montana home guard.

(b) No officer or enlisted man while on active duty with such forces shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where he is ordered to attend for military duty. Every officer and enlisted man of such forces shall, during his service therein, be exempt from service upon any posse comitatus and from jury duty.

Freedom from arrest.

Jury service.

Section 14. **Medical, Dental, Hospital Services and Burial to Be Provided.** The governor shall provide, furnish, and supply the members of such forces with medical, dental, surgical, and hospital care as are necessary to maintain the health of members on active duty. The adjutant general may enter into agreements with other state agencies to provide, furnish, and supply the services and supplies herein authorized. The adjutant general may provide a suitable burial for deceased members of said forces who die while on active duty, including transportation of the remains within this state or from out the state if on duty without the state at the time of death.

Medical, dental, hospital services and burial to be provided.

Section 15. **Adjutant General Responsible for Organization and Administration.** The organization and administration of such forces and the units thereof, shall be the responsibility of the adjutant general of Montana, and all necessary expense thereof shall be paid from a special fund to be known as the state security and defense forces fund, for which an appropriation is hereinafter provided. The adjutant general is authorized to employ such clerical and other assistants as may be necessary for such purpose, and to fix their salaries.

Adjutant general, responsibility of.

Section 16. **Appropriation.** There is hereby appropriated out of the state treasury, for the administration of this act, the sum of ten thousand ($10,000.00) dollars for the period beginning on the effective date of this act and ending one (1) year thereafter; and the sum of ten thousand ($10,000.00) dollars for the period beginning one (1) year after the effective date of this act and ending two (2) years after the effective date of this act.

Appropriation.

Section 17. **Severability.** If any provision of this act or the application thereof to any person or circumstances

Severability of act.

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is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are hereby declared to be severable.

Repealing clause.

Section 18. **Repeal.** All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 19. **Time of Taking Effect.** This act shall take effect immediately upon its passage and approval, it being expressly declared that the passage of this act constitutes an emergency.

Approved March 5, 1951.

CHAPTER 215

An Act Providing for the Registration of Certain Societies, Corporations, Associations, Political Parties, Assemblies, and Other Bodies and Organizations; Defining "Subversive Organizations", and Requiring Such Organizations to File Reports, Documents and Information With the Secretary of State, and Providing for the Making of Rules and Regulations by the Secretary of State; Prohibiting the Sending and Delivery to Nonmembers of Letters, Leaflets, and Other Written or Printed Matter, Unless the Same Bears the Name of Such Organization and the Names and Addresses of Its Officers; and Providing Penalties for Violations of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Title of act

Section 1. This act may be cited as the "subversive organization registration law".

Purpose.

Section 2. This act is adopted in the exercise of the police power of this state for the protection of the public peace and safety by requiring the registration of subversive organizations which are conceived and exist for the purpose of undermining and eventually destroying the democratic form of government in this state and in the United States.

Section 3. As used in this title, "subversive organiza-

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"Subversive organization defined."

tion'' means every corporation, association, society, camp, group, political party, assembly, and everybody or organization composed of two or more persons or members, which comes within all or any of the following descriptions:

(a) Which directly or indirectly advocates, advises, teaches, or practices, the duty, necessity, or propriety of controlling, conducting, seizing, or overthrowing the government of the United States, of this state, or of any political subdivision thereof by force or violence;

(b) Which is subject to foreign control as defined in section 4 hereof.

"Subject to foreign control" defined.

Section 4. An organization is ''subject to foreign control'' if it comes within either of the following descriptions:

(a) It solicits or accepts financial contributions, loans, or support of any kind directly or indirectly from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, an agent, agency, or instrumentality of a foreign government or political subdivision thereof, a political party in a foreign country, or an international political organization;

(b) Its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or a political subdivision thereof, an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, a political party in a foreign country, or an international political organization.

Organizations excluded.

Section 5. ''Subversive organization'' does not include any labor union or religious, fraternal, or patriotic organizations, society, or association whose objectives and aims do not contemplate the overthrow of the government of the United States, of this state or of any political subdivision thereof by force or violence.

Application of act.

Section 6. This act imposes additional requirements upon corporations, associations, or organizations which are subversive organizations. Neither the fact that such a corporation, association, or organization was organized pursuant to law nor that its affairs and activities are in any respect regulated by law exempts it from complying with this title.

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Rules and regulations by secretary of state.

Section 7. The secretary of state may adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this title, and may alter, amend, or repeal such rules and regulations.

Subversive organizations must file with the secretary of state specified information.

Section 8. Every subversive organization in existence on July 1, 1951, shall within thirty (30) days after that date, and every subversive organization thereafter organized shall within ten (10) days after its organization, file with the secretary of state, on such forms and in such detail as he may prescribe, the following information and documents:

Contents of statement.

(a) A complete and detailed statement subscribed, under oath, by all of its officers, showing all of the following:

(1) Its name and post office address;

(2) The names and addresses of all its branches, chapters, and affiliates;

(3) The names, nationalities, and residence addresses of its officers and members, and the qualifications required for membership in it;

(4) The nature and extent of its existing and proposed aims, purposes, and activities;

(5) The times and places of its meetings;

(6) The description and location of the real property and the kind, quantity, and quality of the personal property owned by it, its assets and liabilities, the methods for the financing of its activities, and the names and addresses of all persons, organizations, and other sources who or which have contributed money, property, literature, or other things of value to the organization or any of its branches, chapters or affiliates for any of its purposes;

(7) Such other information as the secretary of state may from time to time require.

(b) A true copy, certified by all of its officers, of all of the following:

(1) Its charter, articles of association, or constitution, and its by-laws, rules, and regulations;

(2) Its oath, affirmation, or pledge of membership, if any;

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(3) Each agreement, resolution, and other instrument or document relating to its organization, powers, and purposes, and the powers and duties of its officers and members;

(4) Each book, pamphlet, leaflet, or other printed, written, or illustrated matter directly or indirectly issued or distributed by it or in its behalf, or to or by its members with its knowledge, consent, or approval;

(5) Such other documents as the secretary of state may from time to time require.

(c) A description of the uniforms, badges, insignia, or other means of identification prescribed by it, and worn or carried by its officers or members, or any of such officers or members.

(d) In case it is subject to foreign control, a statement of the manner in which it is subject.

Revisions of charter, by-laws, etc., to be filed.

Section 9. Every subversive organization shall within ten (10) days after any revision or amendment of, or other change with respect to, its charter, articles of association, constitution, by-laws, rules, regulations, oath, affirmation, or pledge of membership, or any part thereof, file with the secretary of state a true copy certified by all of its officers of the revised, amended, or changed charter, articles of association, constitution, by-laws, rules, regulations, oath, affirmation, or pledge of membership, or part thereof.

Changes of officers, activities, etc., to be reported.

Section 10. Every subversive organization shall within ten (10) days after a change has been made in its officers, or in its aims, purposes, activities, property holdings, or methods and sources of financing its activities, file with the secretary of state a statement subscribed under oath by all of its officers showing the change.

Semi-annual statement under oath by officers.

Section 11. Every subversive organization shall at least once in each period of six (6) months file with the secretary of state a statement subscribed under oath by all of its officers showing the names and residence addresses of all persons who have been admitted to membership during that period or, if no members have been admitted during that period, a statement to that effect similarly subscribed.

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Adoption of resolution providing for concerted action to promote or prevent legislation.

Section 12. Every subversive organization shall within ten (10) days after the adoption thereof file with the secretary of state, on such form and in such detail as he may prescribe, each resolution adopted, or the minutes of any meeting held by it, authorizing or providing for concerted action by its officers, members, or a part of its membership, to promote or prevent the passage of any act of legislation by any local, state, or federal legislative body, or to support or defeat any candidate for public office.

Statements and documents filed become public records.

Section 13. All statements or documents filed with the secretary of state under this title are public records and shall be open to public examination and inspection at all reasonable hours.

Anonymous letters, or written or printed matter.

Section 14. A subversive organization shall not send, deliver, mail or transmit, or suffer or permit to be sent, delivered, mailed, or transmitted, to any person in this state who is not a member of the organization any anonymous letter, document, leaflet, or other written or printed matter. All letters, documents, leaflets, or other written or printed matter issued by a subversive organization which are intended to come to the attention of a person who is not a member of the organization shall bear the name of the organization and the name and residences of its officers.

Penalty.

Section 15. Any subversive organization which violates any provisions of this title is guilty of a felony punishable by fine of not less than one thousand dollars ($1,000.00) nor more than ten thousand dollars ($10,000.00). Any such violation constitutes a separate and distinct offense for each day, or part thereof, during which it is continued.

Penalty for violation by officers or directors.

Section 16. Any officer or member of the board of directors. board of trustees, executive committee, or other similar governing body of a subversive organization who violates any provision of this title, or permits or acquiesces in the violation of any provision of this title by the organization is guilty of a felony punishable by fine of not less than five hundred dollars ($500.00) nor more than five thousand dollars ($5,000.00), or by imprisonment in a state prison for not less than six (6) months nor more than five (5) years, or by both.

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Section 17. Any person who becomes or remains a member of any subversive organization, or attends a meeting thereof, with knowledge that the organization has failed to comply with any provision of this title, is guilty of a misdemeanor punishable by fine of not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00), or by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by both.

Penalty for violation by members.

Section 18. If any provision of this act or the application thereof to any person, corporation, association, organization, or circumstances, is for any reason held invalid, ineffective, or unconstitutional by a court of competent jurisdiction, the remainder of this act, or the application of such provision to other persons, corporations, associations, organizations, or circumstances, shall not be affected thereby, and the legislative assembly hereby declares the severability of the several sections and provisions of this act, and that it would have enacted the same without the invalid provisions or the invalid applications, as the case may be, had such invalidity been apparent.

Separability of act.

Approved March 5, 1951.

CHAPTER 216

An Act to Approve, Ratify and Adopt the "Western Regional Higher Education Compact" Approved by the Western Governors' Conference November Tenth, 1950.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The legislative assembly of the State of Montana hereby approves, ratifies and adopts the "western regional higher education compact" approved by the western governors' conference meeting at Denver, Colorado, on November tenth, 1950, which compact is as follows:

Adoption of "Western Regional Higher Education compact."

WESTERN REGIONAL HIGHER EDUCATION COMPACT

ARTICLE I

WHEREAS, the future of this nation and of the west-

The compact — preamble.

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ern states is dependent upon the quality of the education of its youth; and

WHEREAS, many of the western states individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, it is believed that the western states, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof;

Agreement by constituent states.

NOW, THEREFORE, the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and the territories of Alaska and Hawaii do hereby covenant and agree as follows:

ARTICLE II

Cooperation.

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

ARTICLE III

Western interstate commission for higher education created.

The compacting states and territories hereby create the western interstate commission for higher education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

ARTICLE IV

Membership of the commission.

The commission shall consist of three (3) resident members from each compacting state or territory. At all times

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one (1) commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

Appointment, suspension or removal.

The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

Terms.

The terms of each commissioner shall be four (4) years; provided, however, that the first three (3) commissioners shall be appointed as follows: one (1) for two (2) years, one (1) for three (3) years, and one (1) for four (4) years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

ARTICLE V

Vote required for transaction of business.

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

Quorum.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the commission is entitled to one (1) vote.

ARTICLE VI

Chairman, vice-chairman, officers and employees.

The commission shall elect from its number a chairman and a vice-chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

Compensation.

The commissioners shall serve without compensation,

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but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

ARTICLE VII

Seal and by-laws.

The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

Committees.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

Establishment of an office for meetings of the commission.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

Budget.

The commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

Determination of costs of facilities for graduate and professional education.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

Annual report.

On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

Books of account.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

ARTICLE VIII

Contractual agreements with institutions.

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the

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region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate service and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

Agreements authorized.

For this purpose the commission may enter into contractual agreements:

(a) With the governing authority of any educational institution in the region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) With the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

Studies of needs and resources.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the western governors' conference and to the legislatures of the compacting states and territories. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the region.

"Region" defined.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

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ARTICLE IX

Operating costs of commission.

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

ARTICLE X

When compact becomes operative.

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

ARTICLE XI

Termination of compact.

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state.

Withdrawal by compacting state.

Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two (2) years after written notice thereof by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

ARTICLE XII

Default by compacting state.

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be sus-

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pended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two (2) years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Reinstatement.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission.

Section 2. Said compact shall become operative and binding at the time provided and in accordance with article X of said compact. The governor of Montana shall give notice of the approval, ratification and adoption of said compact by the thirty-second legislative assembly of the State of Montana to the governors of each of the states and territories named in said article X of said compact. The governors shall have power to appoint the commissioners for which provision is made in the compact and said commissioners shall have the power and authority specified in said compact and such other power and authority as may hereafter be prescribed by law.

Notice of approval and adoption of compact.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 5, 1951.

CHAPTER 217

An Act to Amend Section 92-1005, Revised Codes of Montana, 1947, Relating to Policies Made Subject to the Workmen's Compensation Act — Form of Insurance and Providing That Each Insurer Shall Cooperate With the Bureau of Safety of the Industrial Accident Board and Devote One Per Centum (1%) of Its Gross Annual Premiums Collected in Montana on Policies of Workmen's Compensation Insurance to Accident Prevention Work; and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 92-1005, Rev. Codes, 1947.

Section 1. That Section 92-1005, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Policies made subject to this act.

"Section 92-1005. **Policies Made Subject to This Act — Form of Insurance.** Every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act. No insurer shall enter into any such policy of insurance unless its form shall have been approved by the board, as otherwise provided by law.

Form of policy.

Part of premiums to be devoted to accident prevention work.

"No insurer shall enter into any such policy of insurance unless said insurer agrees to devote one per centum (1%) of its gross annual premiums collected in Montana on policies of workmen's compensation insurance to accident prevention work among its assureds. Such accident prevention work shall be carried on in cooperation with the bureau of safety of the industrial accident board."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1951.

CHAPTER 218

An Act Relating to the Establishment of a Civil Defense Agency and Other Organizations for Civil Defense Within the State of Montana; Providing Certain Executive Duties With Respect Thereto and for Related Purposes; Providing for the Appointment and Compensation of a State Director of Civil Defense and a Staff, and for Their Compensation; and Making an Appropriation for the Operation of Such Civil Defense Agency.

Be it enacted by the Legislative Assembly of the State of Montana:

Short title of act.

Section 1. **Short Title.** This act may be cited as the Montana civil defense act of 1951.

Policy and purposes.

Section 2. **Policy and Purpose.** Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness

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resulting from enemy attack, sabotage or other hostile action, and in order to insure that preparation of this state will be adequate to deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(1) To create a state civil defense agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the state; and

(2) To provide for the rendering of mutual aid among the political subdivisions of the state, and with other states, and with the federal government with respect to carrying out of civil defense functions.

Section 3. **Definition.** As used in this act the term "civil defense" shall mean the preparation for and the carrying out of emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action. These functions include fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection. The term "political subdivisions" shall mean the counties, cities, towns and villages in the State of Montana.

"Civil defense" defined.

Section 4. **State Civil Defense Agency.** (a) There is hereby created in the state adjutant general's department, a civil defense agency, with a director of civil defense (hereinafter called the "director") who shall be the head thereof. The director shall be appointed by, and shall hold office at the pleasure of the governor, and shall be compensated at a salary to be fixed by the governor, which salary however, shall not exceed six thousand six hundred dollars ($6600.00) per year. The director shall devote his full time and energies to the duties of director of civilian

State civil defense agency created.

Director.

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defense including co-operation and co-ordination with the commander of the home guard.

Employment of personnel.

(b) The director may employ such technical, clerical, stenographic and other personnel and fix their compensation, and may make such expenditures as may be necessary to carry out the purposes of this act, but not to exceed the appropriation as herein provided.

Office space and facilities.

(c) The director and other personnel of the civil defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other state agencies.

Duties of director.

(d) The director shall be the executive head of the civil defense agency and shall be responsible to the governor for carrying out the program for civil defense of this state. He shall coordinate the activities of all organizations for civil defense within the state, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other states, of the federal government, and Canada, and shall have such additional authority, duties, and responsibilities authorized by this act as may be prescribed by the governor.

Cicil defense advisory council.

Section 5. **Civil Defense Advisory Council.** There is hereby created a civil defense advisory council (hereinafter called the "council"), the members of which shall be appointed by the governor. The council shall advise the governor and the director on all matters pertaining to civil defense. The governor shall serve as chairman of the council, and the members thereof shall serve without compensation.

Civil defense duties of the governor.

Section 6. **Civil Defense Duties of the Governor.** The governor shall have general direction and control of the civil defense agency, and shall be responsible for the carrying out of the provisions of this act, and shall utilize the services and facilities of the existing officers and agencies of the state, and all such officers and agencies shall cooperate with and extend their services and facilities to the governor as he may request in the carrying out of the purposes of this act.

Duties of director.

Section 7. **Duties of Director.** (1) To prepare a comprehensive plan and program for the civil defense of this

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state, such plan and program to be integrated into and coordinated with the civil defense plans of the federal government, other states, and Canada, to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this state.

(2) To sponsor and develop mutual aid plans and agreements between the political subdivisions of the state, similar to the mutual aid arrangements with other states referred to above.

(3) In accordance with such plan and program for the civil defense of this state, to ascertain the requirements of the state or the political subdivisions thereof for food or clothing or other necessities of life in the event of attack and to plan for the procurement of supplies, medicine, materials, and equipment that may be necessary, to make surveys of the industries, resources and facilities within the state as are necessary to carry out the purposes of this act; to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilizations of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need.

Mutual aid arrangements.

Section 8. **Mutual-Aid Arrangements.** The director of each local organization of civil defense may develop or cause to be developed mutual-aid arrangements, with other public and private agencies within this state for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual-aid arrangements.

Directors of local organizations.

The director of each local organization for civil defense may assist in negotiation of reciprocal mutual-aid agreements between the governor and the adjoining states (including foreign states or provinces) or political subdivisions thereof, and shall carry out arrangements or any such agreements or any such agreement relating to the local and political subdivision.

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Local organization for civil defense.

Section 9. **Local Organization for Civil Defense.** (a) Each political subdivision of this state is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program. The executive officer or governing body of the political subdivisions is authorized to appoint a director who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such executive officer or governing body. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivisions within which it is organized.

Duties of political subdivisions.

(b) Each political subdivision shall have the duty and authority:

(1) To direct and coordinate the development of civil defense plans and programs in accordance with the policies and plans set by the federal and state civil defense agencies.

(2) To appoint, employ, remove, or provide without compensation, voluntary air raid wardens, rescue teams, auxiliary fire and police personnel, and other civilian defense workers.

(3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency.

Immunity.

Section 10. **Immunity.** (a) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civilian defense worker, or member of any agency engaged in civilian defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or any pension law or any act of congress.

(b) Neither the state nor any political subdivision of the state, nor, except in cases of wilful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary civilian defense worker or

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member of any agency engaged in civilian defense activity, complying with or reasonably attempting to comply with this act, or any order, rule, or regulation promulgated pursuant to the provisions of this act, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivisions of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity.

Authority to accept services, gifts, grants and loans.

Section 11. **Authority to Accept Services, Gifts, Grants and Loans.** Whenever the federal government or any agency or officer thereof, or any person, firm, or corporation shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of civil defense, the state, acting through the governor, or such political subdivision, acting through its executive officer or governing body, may accept such offer and upon such acceptance the governor of the state or executive officer or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

Political activity prohibited.

Section 12. **Political Activity Prohibited.** No organization for civil defense established under this act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Civil defense personnel.

Section 13. **Civil Defense Personnel.** No person shall be employed or associated in any capacity in any civil defense organization established under this act who advocates a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

Oath to be taken.

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"I ....., do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the State of Montana, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the Montana civil defense agency I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Severability of act.

Section 14. **Severability.** If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Appropriation.

Section 15. **Appropriation.** There is hereby appropriated out of the money in the state treasury, not otherwise appropriated, for the administration of this act the sum of ten thousand dollars ($10,000.00) for the period beginning on the effective date of this act and ending one (1) year thereafter; and the sum of ten thousand dollars ($10,000.00) for the period beginning one (1) year after the effective date of this act and ending two (2) years thereafter.

Effective date.

Section 16. **Effective Date.** This act shall take effect on its passage and approval.

Approved March 5, 1951.

CHAPTER 219

An Act to Provide for a Fee on Trucks, Trailers, Semitrailers and Busses Operating Over and Upon the Highways of the State of Montana and on New Passenger

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Motor Vehicles on Which No Property Tax Has Been Paid and for Which the Purchaser Thereof Seeks to Have Licensed in the State of Montana; Providing for the Rate of Such Tax; Providing for the Collection Thereof by the County Treasurers of the Respective Counties in the State of Montana; Providing for the Deposit of 95% of the Proceeds of Said Tax in the State Highway General Fund in the State Treasury; Providing for Blanks to be Provided to the County Treasurers by the Montana Highway Commission; Providing for Reciprocity as Provided in Section 53-129, Revised Codes of Montana, 1947; Providing for Exceptions for Motor Vehicles Operated for Hire Exclusively Within Limits of Incorporated Cities or Towns or Within Fifteen Miles of Such Limits; Providing for the Retention of 5% of Said Tax by the Said County Treasurers; Providing for Permanent Marking of Gross Weights on Trucks, Trailers, Semitrailers, Busses, Logging Trucks and Trailers, Stock Hauling Trucks and Trailers, Low Boy Trailers and Farm Vehicles; Providing for the Enforcement of the Act and Penalties for the Violation Thereof Providing for the Effective Date of the Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Additional fees to be paid on motor trucks and truck tractors.

Section 1. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each motor truck and truck tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his application, the following fees:

Schedule I:

Up to 6,000 lbs.	$ 6.00
6,001 lbs. or more, and less than 8,000 lbs.	12.00
8,001 lbs. or more, and less than 10,000 lbs.	14.00
10,001 lbs. or more, and less than 12,000 lbs.	16.00
12,001 lbs. or more, and less than 14,000 lbs.	18.00
14,001 lbs. or more, and less than 16,000 lbs.	22.00
16,001 lbs. or more, and less than 18,000 lbs.	30.00
18,001 lbs. or more, and less than 20,000 lbs.	40.00
20,001 lbs. or more, and less than 22,000 lbs.	50.00
22,001 lbs. or more, and less than 24,000 lbs.	75.00
24,001 lbs. or more, and less than 26,000 lbs.	95.00

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26,001 lbs. or more, and less than 28,000 lbs.	115.00
28,001 lbs. or more, and less than 30,000 lbs.	140.00
30,001 lbs. or more, and less than 32,000 lbs.	170.00
32,001 lbs. or more, and less than 34,000 lbs.	200.00
34,001 lbs. or more, and less than 36,000 lbs.	230.00
36,001 lbs. or more, and less than 38,000 lbs.	260.00
38,001 lbs. or more, and less than 40,000 lbs.	290.00
40,001 lbs. or more, and less than 42,000 lbs.	320.00

Additional fees for trailers and semi-trailers.

In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight described above, and as set by the licensee in his application except as otherwise provided in this act the following fee:

Schedule II:

Up to 6,000 lbs.	$ 4.50
6,001 lbs. or more, and less than 8,000 lbs.	9.00
8,001 lbs. or more, and less than 10,000 lbs.	10.50
10,001 lbs. or more, and less than 12,000 lbs.	12.00
12,001 lbs. or more, and less than 14,000 lbs.	13.50
14,001 lbs. or more, and less than 16,000 lbs.	16.50
16,001 lbs. or more, and less than 18,000 lbs.	22.50
18,001 lbs. or more, and less than 20,000 lbs.	30.00
20,001 lbs. or more, and less than 22,000 lbs.	37.50
22,001 lbs. or more, and less than 24,000 lbs.	56.25
24,001 lbs. or more, and less than 26,000 lbs.	71.25
26,001 lbs. or more, and less than 28,000 lbs.	86.25
28,001 lbs. or more, and less than 30,000 lbs.	105.00
30,001 lbs. or more, and less than 32,000 lbs.	127.50
32,001 lbs. or more, and less than 34,000 lbs.	150.00
34,001 lbs. or more, and less than 36,000 lbs.	172.50
36,001 lbs. or more, and less than 38,000 lbs.	195.00
38,001 lbs. or more, and less than 40,000 lbs.	217.50
40,001 lbs. or more, and less than 42,000 lbs.	240.00

Alternative fee on vehicles used only for transporting what.

Provided, that in lieu of the additional fee provided in this section there shall be collected a fee of five dollars ($5.00) on any motor truck, truck tractor, trailer or semi-trailer used only for the purpose of transporting any air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house or bunk house attached to or made a part of such motor truck, trailer or semitrailer.

Provided further, on motor trucks, trailers and semi-

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trailers, owned and operated by ranchers or farmers in the transportation of their own ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities, or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy, except motor trucks owned and operated by cooperative associations or cooperative marketing associations, shall be paid and collected annually a fee equal to twenty percent (20%) of the fees provided in schedule I and schedule II above. The terms "trailers and semitrailers" as used herein shall not include farm wagons.

Vehicles owned and operated by ranchers and farmers.

Provided further, that on motor trucks, trailers and semitrailers used exclusively in hauling logs, pole trailers, and motor trucks, trailers and semitrailers hauling livestock there shall be paid and collected annually a fee equal to sixty percent (60%) of the fees provided in schedule I and schedule II above; provided further, that on "low boy trailers" there shall be paid and collected annually a fee equal to sixty percent (60%) of the fees provided in schedule I and schedule II above; provided further, that on tractors permanently attached to "low boy trailers" there shall be paid and collected annually a fee equal to sixty percent (60%) of the fees provided in schedule I and schedule II above.

Vehicles used in hauling logs, poles, or livestock.

Low boy trailers.

Provided further, that there shall be paid and collected annually for each bus or auto stage with the exception of school busses the sum of seven dollars ($7.00) per seat exclusive of the first seven seats and the operator, for the maximum adult seating capacity thereof; provided further, that motor vehicles which are regularly used to haul freight and passengers shall be taxed upon the basis of the gross weight schedule hereinabove established; provided further, that school busses shall not be exempt if they enter charter service.

Busses and auto stages.

Vehicles used for hauling freight and passengers.

Section 2. In addition to other fees for the licensing of vehicles, there shall be collected for each motor truck, trailer and semitrailer licensed for that year in another jurisdiction and operated upon an itinerant basis in this

Itinerant vehicles licensed in another state.

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state upon each entrance into the State of Montana, based upon the application of the licensee, a fee to be computed as follows:

Five dollars ($5.00) for each trip for the first four hundred (400) miles or less, ten dollars ($10.00) for each trip over four hundred (400) miles, on any vehicle or combination of vehicles of over six thousand (6,000) pounds gross weight; provided, however, such fees shall not apply to any trailer the principal use of which is living quarters, temporary or permanent.

Motor vehicle sales tax after Jan. 1, 1952, on passenger vehicles.

Section 3. That in consideration of the right to use the highways of the State of Montana, and from and after January 1, 1952, there shall be imposed upon all new passenger motor vehicles for which a license is sought, and which have not been otherwise assessed and not subject to assessment and taxation in Montana, a motor vehicle sales tax, as follows:

One and one-half percent (1½%) of the F.O.B. factory list price of the automobile, during the first quarter of the year; one and one-eighth percent (1⅛%) of said list price during the second quarter of the year, and three-fourths (¾) of one percent (1%) during the third quarter of the year, and three-eighths (⅜) of one percent (1%) during the fourth quarter of the year, this assessment to be made when the owner applies for his original Montana license through his county treasurer. The proceeds from this tax should be remitted to the state treasurer every thirty (30) days for credit of the state highway fund.

Time of payment of fees by residents.

Section 4. Residents of the State of Montana who own trucks, trailers or semitrailers, busses or new passenger automobiles and operate the same upon the highways of the State of Montana shall at the time they make application for their Montana license as provided for in Section 53-114, Revised Codes of Montana, 1947, pay the fees herein prescribed; provided that said residents who make application for a license after the 1st day of July of any year shall pay one-half (½) of the fees provided for herein.

Payment of fees by nonresidents, when and to whom.

Section 5. Nonresident trucks, trailers and semitrailers shall immediately upon their arrival in the State of Montana contact the nearest state highway patrol or the county

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sheriff or the county treasurer's office and secure the license and pay the fees as in this act prescribed; provided that all fees collected shall immediately be remitted to the county treasurer.

State highway commission to furnish certain supplies to county treasurers.

Section 6. It shall be the duty of the Montana state highway commission to furnish all county treasurers with the following:

1. Blank application forms and affidavit forms outlining and providing for the information needed in each classification of registration required.

2. Registration, license or certificates in such form as is determined most suitable by the Montana highway commission.

3. Such other forms, stickers, certificates or blanks as in the opinion of the Montana highway commission are deemed necessary to carry out the provisions of this act.

Disposition of fees collected.

Section 7. Each county treasurer in the State of Montana at the time of application to pay the fees under this act shall retain five percent (5%) of the fees so collected for the cost of administering this act and the remaining ninety-five percent (95%) shall be remitted monthly to the state treasurer of the State of Montana for deposit in the state highway general fund on forms to be furnished the county treasurers by the state highway commission of the State of Montana.

Fees expire annually on Dec. 31st.

Section 8. The fees for every truck, trailer or semitrailer, bus, or automobile registered under this act shall expire on December 31st of each year. The certificate, registration or license issued hereunder shall be valid only for the period for which issued, and is not transferable to another truck, trailer or semitrailer, bus, or automobile but is transferable upon the transfer of title or interest of the legal owner of the truck, trailer or semitrailer, bus, or automobile; provided that if a motor vehicle is destroyed from any cause the fee hereunder may be transferred to a replacement vehicle upon such proof as may be required by the state highway commission except that if a smaller vehicle is purchased there shall be no refund.

Penalty.

Section 9. Any owner or operator of a truck, trailer or semitrailer, bus, or automobile who violates any provision

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of this act shall upon conviction thereof be deemed guilty of a misdemeanor and punished by a fine of not more than three hundred dollars ($300.00) or by a sentence of not more than sixty (60) days in the county jail or both. Whenever the gross laden weight of any truck, trailer or semitrailer operated upon any highway in the state exceeds the gross maximum weight marked upon such vehicle pursuant to section 14 hereof, the operator thereof shall be required to forthwith unload all cargo in excess of the gross maximum weight for which such vehicle is taxed; and such excess cargo shall not be reloaded until payment shall have been made to the nearest county treasurer of the amount of the deficiency in the fee provided for in section 1 hereof, based upon the gross weight of such vehicle immediately before the unloading of such excess cargo, provided it does not exceed the legal axle weight.

Duty of highway patrol to enforce this act.

Section 10. It shall be the duty of the Montana state highway patrol to enforce the provisions of this act and each member thereof is hereby instructed to make examinations and inspection of trucks, trailers and semitrailers, busses, or automobiles operating upon the highways in this state, to ascertain whether or not the provisions of this law have been complied with.

Reciprocity.

Section 11. Reciprocity shall be granted, notwithstanding anything to the contrary herein, in accordance with Section 53-129, Revised Codes of Montana, 1947, and amendments thereto.

Exemption of vehicles operating for hire exclusively in cities and towns.

Section 12. Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or town and within fifteen (15) miles from such limits shall be exempt from the provisions of this act; provided that motor vehicles brought or driven into Montana by any non-resident migratory bona fide agricultural worker temporarily employed in agricultural work in this state where said motor vehicles are used exclusively for transportation of agricultural workers shall likewise be exempt from the provisions of this act.

Effective date.

Section 13. The fees provided in this act are in consideration of the right to use the highways of the State of Montana, and this act shall be in full force and effect from and after the first day of January, 1952.

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Section 14. Each truck, trailer, semitrailer or bus shall have permanently marked in clearly visible letters and numbers at least two inches in height on either side of said vehicle, the maximum gross weight or seating capacity for which said vehicle is taxed under this act. Any such vehicle registered and taxed as a farm, logging or livestock vehicle shall have in addition thereto, and equally visible, the words "farm vehicle", "logging vehicle" or "livestock vehicle".

Data to be marked on side of trucks, trailers and semitrailers.

Section 15. Municipalities shall not levy, assess, collect or charge any additional tax other than herein prescribed upon intrastate or interstate carriers of persons or property for hire whether such carriers operate between municipalities or through a municipality and other municipalities. No intrastate or interstate carrier shall be exempt hereby from paying a parking, curb or ad valorum property tax levied by any municipality.

Municipalities prohibited from levying additional tax or charge, except for parking, curb or property tax.

Section 16. If any clause, sentence, section, paragraph or portion of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, section, paragraph or portion directly adjudged to be invalid and inoperative.

Separability of act.

Section 17. This act shall be in full force and effect from and after the first day of January, 1952.

Effective date.

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1951.

CHAPTER 220

An Act to Amend Sections 75-2006 and 75-2008 of the Revised Codes of Montana, 1947, Relating to the State Correspondence School and Appropriations for the Same, to Provide for Certain Elementary Pupils and Persons Wishing Citizenship Training Courses, to Provide for Fees to Be Charged, and to Provide for Rules and Regulations Governing the Same.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 75-2006, Rev. Codes, 1947.

Section 1. That Section 75-2006 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State correspondence school created to serve needs of specified classes of students.

"Section 75-2006. **State Correspondence School Created — Fees.** There is hereby created a State Correspondence school which shall serve the needs of (1) eighth grade graduates who because of remoteness or inability are unable to attend a regular high school, (2) students who need subjects not offered in a regular high school, and (3) homebound incapacitated *or isolated* children who are unable to attend a regular *elementary or high* school, *and (4) noncitizens who are unable to attend established classes for preparation for citizenship. The services of this school shall be available to the above-mentioned students at fees to be determined and set by the state superintendent of public instruction with the approval of the state board of education; provided, that in the case of isolated, homebound or incapacitated pupils for whom no regular school is provided, such fees for elementary students shall be paid by the district of residence from the general fund, and in the case of high school students from the high school transfer fund of county of residence; fees for students taking enrichment courses may either be paid by the pupil or the school attended, and adults taking citizenship preparation courses shall pay their own fees.*"

Amendment of Sec. 75-2008, Rev. Codes, 1947.

Section 2. That Section 75-2008 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Allotment of funds.

"Section 75-2008. **Funds Allotted To.** The state shall set aside annually *from the state public school equalization fund an appropriation sufficient to carry out the purposes of this act, such appropriation to be allotted to the budget of the state department of public instruction.*"

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1951.

CHAPTER 221

An Act Amending Section 53-122 of the Revised Codes

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of Montana, 1947, Relating to Registration Fees of Motor Vehicles — Fees — Disposal of Proceeds — Fee for Half Year — Dealers' Registration and Transfer Thereof — Public Owned Vehicles Exempt from License or Registration Fees — License or Registration Fees for Trailers and Semitrailers and Tractors — Providing for Transfer of Funds from the Motor Vehicle Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund) — Providing for Deposit of All Fees, Other Than License Fees, Except Dealer License Fees, Collected by the Registrar of Motor Vehicles, in Said Motor Vehicle Recording Fund for the Payment of Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 53-122, Rev. Codes, 1947.

Section 1. That Section 53-122, of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"53-122. **Registration Fees of Motor Vehicles — Fees — Disposal of Proceeds — Fee for Half Year — Dealers' Registration and Transfer Thereof — Public Owned Vehicles Exempt from License or Registration Fees — License or Registration Fees for Trailers and Semitrailers and Tractors — Providing for Transfer of Funds from the Motor Vehicle Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund) — Providing for Deposit of all Fees, Other Than License Fees, Except Dealer License Fees, Collected by the Registrar of Motor Vehicles, in said Motor Vehicle Recording Fund for the Payment of Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.** Registration or license fees shall be paid upon registration or re-registration of motor vehicles, trailers, semitrailers and dealers in motor vehicles or automobile accessories in accordance with this act, as follows:

Registration or license fees of motor vehicles.

"Dealers in motor vehicles other than motorcycles, a minimum fee of thirty dollars ($30.00) which shall entitle such dealer to two (2) sets of number plates, and five dollars ($5.00) additional fee for each additional set of number plates up to six sets, and two dollars ($2.00)

Dealers.

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additional fee for each additional set of number plates, as may be applied for by such dealer; provided, that each dealer be required to furnish the registrar of motor vehicles a statement showing the makes of motor vehicles handled by him, and the total number of each make sold by him during the preceding year, and that he not be issued a license unless he so conforms:

Fees.

Dealers in motorcycles, fifteen dollars ($15.00);

Dealers in automobile accessories, except automobile dealers, ten dollars ($10.00);

Motor vehicles, weighing twenty-eight hundred and fifty (2850) pounds, or under, other than motor trucks, five dollars ($5.00);

Motor vehicles, weighing over twenty-eight hundred and fifty (2850) pounds, other than motor trucks, ten dollars ($10.00);

Electrically driven passenger vehicles, ten dollars ($10.00);

All motorcycles, two dollars ($2.00);

Tractors and/or trucks, *ten dollars ($10.00);*

Busses shall be classed as motor trucks and licensed accordingly;

Trailers and semitrailers, *ten dollars ($10.00);*

Trailers, according to capacity.

Trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery and bridge material exclusively, new and secondhand, and trailers used exclusively for the transportation of road machinery and bridge materials, shall pay a fee of fifteen dollars ($15.00) annually, regardless of size or capacity.

Vehicles without pneumatic tires.

All rates to be twenty-five per cent (25%) higher for motor vehicles, trailers and semitrailers, when not equipped with pneumatic tires;

Bicycles with motor attachments, one dollar ($1.00);

Tractors, as specified in this section, shall mean any motor vehicle used for towing a trailer or semitrailer.

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Disposition of fees.

"All license or registration fees collected by the county treasurer of the county in which any motor vehicle is registered shall be credited to the motor vehicle license fund of said county. The funds in said county motor vehicle fund shall be used as follows:

part paid to city road fund.

"(a) Fifty per cent (50%) of the net license fees derived from the registration of motor vehicles, the owners of which reside within the boundaries of any incorporated city of the State of Montana, having a population of thirty-five thousand (35,000) or more, or the owners of which reside within the boundaries of any incorporated city of the State of Montana which lies within one (1) mile of the city limits of an incorporated city of the State of Montana having a population of thirty-five thousand (35,000) or more, according to the federal census of 1930, shall be held by the county treasurer and segregated from other county road funds and designated as 'city road fund', to be used in the city from which fees were derived for the construction of permanent streets within the incorporated limits of such city.

City road fund, for what uses.

"(b) The license fees held in the city road fund, as hereinbefore provided, shall be used by the city council of such city having the population of thirty-five thousand (35,000) or more, or by the city council of such city which lies within one (1) mile of the city limits of an incorporated city of the State of Montana, having a population of thirty-five thousand (35,000) or more, according to the federal census of 1930, only for the construction of permanent highways and streets within the boundaries of such incorporated city. Provided, that all construction of public highways and streets, the cost of which is to be paid out of the fund derived from the license fees as herein provided, shall be under the supervision of the county surveyor of the county within whose boundaries such city is situated, subject to the control of the said city council and surveyor to designate the public highway or street upon which the work is to be done, and the type of pavement to be used, and provided further, that the cost of supervision of the county surveyor shall not exceed five per cent (5%) of the cost of said work.

Supervision of construction by county surveyor.

Use by county of net license fees transmitted by registrar of motor vehicles.

"(c) The net license fees derived from the registration of motor vehicles shall be by the registrar of motor vehicles transmitted to, and paid over to the county

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treasurer of the county from which the registration fee came, such fees, excepting apportionment to the city road fund, to be used by said county for the construction, repair and maintenance of all public highways, except state and federal highways, within the boundaries of said county, including city streets forming component parts of arterial highways within the corporate cities of less population than thirty-five thousand (35,000), according to the federal census of 1930, within the boundaries of said county.

Fee for late registration.

"If any dealer, or motor vehicle, or trailer, or semitrailer is originally registered six (6) months after the time of registration as set by law, the registration or license fee for the remainder of such year shall be one-half (½) of the regular fee above given.

Dealer having branch establishment.

"A dealer in motor vehicles or automobile accessories who shall maintain more than one (1) place of business or who shall maintain any branch establishment or establishments, must register and pay a registration or license fee for each such place of business or establishment.

Dealer's certificate of registration, transfer of.

"A registered dealer, who may sell or dispose of his entire business to any other person, may have his certificate of registration transferred to such purchaser upon filing with the registrar of motor vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the filing of such statement, accompanied by a filing fee of one dollar ($1.00), the registrar of motor vehicles shall note upon the registration record of such dealer the change of ownership. But no certificate of registration can be transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchasers of such business.

Act not applicable to vehicles owned by the United States, state, county or city.

"The provisions of this act with respect to the payment of registration fees shall not apply to or be binding upon motor vehicles, trailers or semitrailers or tractors owned or controlled by the United States of America or any state, county or city, but in all other respects the provisions of this act shall be applicable to and binding upon motor vehicles, tractors, trailers, and semitrailers.

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"All fees, other than license fees, mentioned and described in sections 53-110 and 53-112, and in section 53-135, shall hereafter be deposited in, and paid into, the motor vehicle recording fund of said registrar (sometimes called the motor vehicle administrative fund) out of which shall be paid all salaries, operating expenses, and all other expenses of the department of the registrar of motor vehicles.

Fees to be paid into motor vehicle recording fund of registrar.

"There shall be immediately transferred from the motor vehicle fund of the registrar of motor vehicles to the said motor vehicle recording fund all moneys now in said motor vehicle fund which were collected by the registrar of motor vehicles as fees other than license fees.

Disposition of moneys, other than license fees, to motor vehicle recording fund.

"Whenever, in the judgment of the state board of examiners, there shall be in said motor vehicle recording fund more moneys than are reasonably required or needed to pay all salaries, operating expenses, and all other expenses of the department of the registrar of motor vehicles, such board shall distribute such unneeded surplus or excess to the fifty-six (56) counties of the state in a pro rata manner based upon the total number of motor vehicles registered in each county."

Disposition of surplus in such fund.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1951.

CHAPTER 222

An Act to Establish a Uniform Reciprocal Enforcement of Support; Providing Definitions; Providing Additional Remedies; Providing for Criminal Enforcement by Extradition; Providing for Civil Enforcement in District Court; Providing Duties in District Court to Respond to Judgments in Support Actions Brought in the States With Reciprocal Laws.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Purposes.** The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

Purposes of act.

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Definitions.

Section 2. **Definitions.** As used in this act unless the context requires otherwise,

"State."

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

"Initiating state."

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

"Responding state."

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

"Court."

(4) "Court" means the district court of any judicial district of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

"Law."

(5) "Law" includes both common and statute law.

"Duty of support."

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

"Obligor."

(7) "Obligor" means any person owing a duty of support.

"Obligee."

(8) "Obligee" means any person to whom a duty of support is owed.

Remedies additional to those now existing.

Section 3. **Remedies Additional to Those Now Existing.** The remedies herein provided are in addition to and not in substitution for any other remedies.

Extent of duties to support.

Section 4. **Extent of Duties of Support.** The duty of support imposed by the laws of this state or by the laws of the state where the obligee was present when the failure to support commenced as provided in section 7 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

Criminal enforcement.

Section 5. **Criminal Enforcement — Criminal Rendition.** The governor of this state (1) may demand from the

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governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state.

Relief from the above provisions.

Section 6. **Relief From the Above Provisions.** Any obligor contemplated by section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or nonsupport entered in the courts of this state during the period of such compliance.

Civil enforcement.

Section 7. **Civil Enforcement — What Duties Are Enforceable.** Duties of support enforceable under this law are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

Remedies of state or political subdivision furnishing support.

Section 8. **Remedies of a State or Political Subdivision Thereof Furnishing Support.** Whenever the state or a political subdivision thereof has furnished support to an obligee it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made.

How duties of support are enforced.

Section 9. **How Duties of Support Are Enforced.** All duties of support are enforceable by petition or complaint irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the district court.

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Contents of petition for support.

Section 10. **Contents of Petition or Complaint for Support.** The petition or complaint shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information.

Duty of court of this state as initiating state.

Section 11. **Duty of Court of This State as Initiating State.** If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, he shall so certify and shall cause certified copies of the petition, the certificate and an authenticated copy of this act to be transmitted to the court of the responding state.

Duty of court of this state as Responding state.

Section 12. **Duty of the Court of This State as Responding State.** When the district court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) direct the clerk of the district court to inform the county attorney to proceed with the cause, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

Order of support.

Section 13. **Order of Support.** If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

Responding state to transmit copies to initiating state.

Section 14. **Responding State to Transmit Copies to Initiating State.** The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or orders for reimbursement therefor.

Additional powers of court.

Section 15. **Additional Powers of Court.** In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character

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and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or the obligee and to report personally to such clerk at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Additional duties of court of this state as responding state.

Section 16. **Additional Duties of the Court of This State When Acting as Responding State.** The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

Additional duty of court of this state as initiating state.

Section 17. **Additional Duty of the Court of This State When Acting as an Initiating State.** The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

Evidence of husband, wife.

Section 18. **Evidence of Husband and Wife.** Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

Severability of act.

Section 19. **Severability.** If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other pro-

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visions of applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Repealing clause.

Section 20. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 21. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 223

An Act Relating to the Acquisition, Construction, Establishment, Maintenance and Financing of Off-street Parking Facilities for the Parking of Motor Vehicles by a City of the State of Montana; and Providing for the Leasing to and Operation of by Private Operators, Firms, Companies, or Corporations; and Providing Ways and Means Wherein a City May Create a Parking Commission or Whereby the Legislative Body of a City May Function as a Parking Commission, the Issuance of Revenue Bonds; and Defining the Powers and Duties of Parking Commissions, and a City With Respect to Off-street Parking Facilities.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. It is hereby determined and declared that excessive curb parking of motor vehicles in urban and metropolitan areas, and the lack of adequate off-street parking facilities in some cities, is against the public interest; and the purpose of this act is to provide means whereby cities, in which additional off-street parking facilities is considered necessary, may obtain same by lease of sites or site to private enterprise after the city has acquired a suitable site, or sites, by purchase, gift, or under the law of eminent domain applicable to such city.

Definitions.

Section 2. **Definitions.** The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

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(a) "Commission" or "parking commission" shall mean any of the public corporations which may be created by section 4 of this act. "Commission." "Parking commissioner."

(b) "The city" shall mean the particular city for which a particular commission may be created, or the legislative body which may act as such a commission. "The city."

(c) "Legislative body" shall mean, in the case of a city, the city council, or other body in which the general legislative powers of the city are vested. "Legislative body."

(d) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city. "Mayor."

(e) "Clerk" shall mean the clerk of the city or the officer charged with the duties customarily imposed on such clerk. "Clerk."

(f) "Obligee of the commission" or "obligee" shall be any bondholder, trustee or trustees for any bondholders, or lessor demising to the commission property used in connection with a parking facility, or any assignee or assignees of such lessor's interest, or any part thereof, and the state, or the United States or any agency of either, when a party to any contract with a commission by which aid or a loan is given or made to the commission. "Obligee of the commission." "Obligee."

(g) "State public body" means the state, or any city, commission, or any other subdivision or public body of the state. "State public body."

(h) "Project" shall mean any acquisition, improvement, construction, or undertaking of any kind authorized by this act. "Project."

(i) "Indenture" as used in this act means ordinance, resolution, or indenture which may be passed, adopted or entered into by a commission or by the legislative body of a city and "clause" includes article, section, subsection, paragraph, sentence or provision. "Indenture."

Section 3. **Creation of Parking Commissions.** A city may create, as provided for in this section, a public body corporate and politic to be known as the "parking commission" of the city. The commission of any city shall not transact any business or exercise any powers under this Creation of parking commission authorized.

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act unless and until the legislative body of the city shall by resolution declare at any time hereafter that there is need for a parking commission to function in such city. The determination as to whether there is need for a commission to function may be made by the legislative body on its own motion or upon the filing of a petition signed by one hundred residents of the city, asserting that there is need for a commission to function in such city and requesting that the legislative body so declare.

Petition to be filed.

In any suit, action or proceeding by or against or in any manner relating to a parking commission, the commission shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the legislative body declaring the need for the commission to function. A city shall not transact any business or exercise any powers of this act unless and until the legislative body of the city shall by resolution declare that there is need for such city to exercise the powers of a parking commission as provided in this act.

Legislative body must declare the need for a commission.

Either or both such resolutions may be adopted by the legislative body of a city. If both such resolutions are adopted they shall clearly specify areas within the city less than the whole thereof, within which, or projects over which, the commission and the city, respectively, are to have jurisdiction and control. The division of such jurisdiction and control shall be as so specified, but may be changed from time to time by action of both the legislative body and the commission, to such extent as may be consistent with obligations to bondholders assumed under this act.

The power to issue revenue bonds as provided in this act shall not be operative in any city until the legislative body, either at a general or a special election, shall submit to the electors of the city the question as to whether the legislative body or the commission, or both, shall be authorized to adopt the revenue bond method of financing projects provided for herein. If at such election a majority of the voters voting upon the proposition shall vote in favor of such proposition, such commission, or such city, or both, as may have been so specified, may from time to time, issue revenue bonds in accordance with the provisions of this act for projects provided for herein.

Question of issuance of revenue bonds to be submitted to election by voters.

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Section 4. **Members of Commission: Appointment: Qualifications: Vesting of Commission Powers: Expenses and Compensation.** When the legislative body of a city first adopts a resolution declaring need for a parking commission to function, the mayor, with the approval of the legislative body, shall appoint five (5) electors of the city as members of the commission. The powers of each commission shall be vested in the members thereof then in office. Members shall receive their actual and necessary expenses, including traveling expenses and may receive such other compensation as the legislative body may prescribe.

Members of commission.

Three of the members who are first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointments, and two shall be designated to serve for terms of four years from the date of their appointments. Thereafter members shall be appointed as aforesaid for a term of office of four years, except that all vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and has qualified.

Term of office.

The appointing officer shall designate which of the members of the commission shall be the first chairman, but when the office of chairman of the commission becomes vacant thereafter, the commission shall elect a chairman from among its members. The term of office as chairman of the commission, unless otherwise prescribed by the legislative body of the city, shall be for the calendar year, or for that portion thereof remaining after each such chairman is designated or elected.

Chairman, term of office of.

A member of a commission may be removed by the mayor with the consent of the legislative body of the city.

Section 5. **Estimate and Appropriation of Money Required: Report of Transactions to Be Filed.** When the commission created for any city becomes authorized to transact business and exercise its powers, the legislative body of the city may, subject to its fiscal law, at that time, and from time to time thereafter, make an estimate of the amount of money required for administrative purposes of the commission, and may appropriate such

Estimate of money required for administrative purposes.

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amounts to the commission as it deems necessary, subject to such conditions as the legislative body may prescribe.

Reports by commission.

Each such commission shall file with the legislative body a detailed report of all its transactions, including a statement of all revenues and expenditures, at quarterly, semi-annual or annual intervals as the legislative body may prescribe and shall publish at least once annually in a newspaper of general circulation, published in the city, or if none is so published then in such newspaper of general circulation as the commission may deem most likely to give notice to the residents of the city, a statement of all its financial affairs, audited by independent certified public accountants.

Publication.

Suspension of commission.

Section 6. **Suspension of Commission.** After the lapse of four years from the date of adoption of a resolution declaring the need for a parking commission to function in a city, if such commission shall not have acquired or entered into possession of land for a parking facility, or issued bonds, the legislative body of such city may by resolution declare that there is no need for such commission in the community. Thereupon the offices of the members of the commission shall become vacant and the capacity of the commission to transact business or exercise any powers shall be suspended and shall remain suspended until the legislative body thereafter adopts a resolution declaring the need for the commission to function.

Winding up of the affairs of the commission.

After adoption of a resolution declaring there is no need for such commission to function, or while any such resolution is in effect, the legislative body of a city shall have power to wind up the affairs of the commission and shall have title to all property of the commission for the purpose of off-street parking only, to be leased to, and operated by, companies, individuals or corporations.

Transfer of property of the commission to the city.

The legislative body of a city, at any time after the activation of a parking commission, may adopt by a two-thirds vote thereof, a resolution transferring the property of the commission to the city and the city may, through such department as it may determine, exercise its powers in regard thereto by virtue of the constitution, or this or other general law, but no such transfer shall be made in contravention of any covenant or agreement made with

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the holders of any revenue bonds of the commission theretofore issued and then outstanding.

Section 7. **Commission a Public Body: Powers Specified.** Each commission shall constitute a public body, corporate and politic, exercising public and essential governmental function, and subject to the limitations imposed by this act, shall have the following powers in addition to the others herein granted:

Commission a public body.

Powers specified.

(a) To sue and be sued; to have a seal; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(b) To make, and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this act to carry into effect the powers and purposes thereof.

(c) To select and appoint or remove such officers, agents, counsel and employees, permanent and temporary, as it may require, and to determine their qualifications, duties and compensation. The powers of the commission under this subsection (c) shall be subject to all limitations and rights applicable to similar employment by the city, unless the legislative body, by resolution, shall otherwise determine.

(d) For the purpose of off-street parking, to purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property, or any interest therein, together with any improvements thereon; to acquire by the exercise of the power of eminent domain any property in accordance with the applicable provisions of the law of eminent domain, except that no property of a state public body may be acquired without its consent, upon approval of the city council; to sell, lease, exchange; transfer, assign, or otherwise dispose of any real or personal property or any interest therein, provided such transactions are for off-street parking purposes; to lay out, open, extend, widen, straighten, establish, or change the grade, in whole or in part, of public parking facilities and public rights of way necessary or convenient therefor; to insure or provide for the insurance of any real or personal property or operations of the commission against risks or hazards; to acquire, construct, rent, lease, maintain, and repair, such real and personal property, or any

To acquire real and personal property for purpose of off-street parking.

Other powers.

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portion thereof either on behalf of the commission or as an agent of the city, including the leasing of the operation thereof, the leasing for incidental commercial purposes of surplus space or space which it is not economical to use for parking purposes, and as an incident to the operation of any parking facility, when in the judgment of the commission it is convenient or necessary to permit such use in order to utilize properly such land as a parking facility, provided that the city or parking commission shall be prohibited from operating any such additional, secondary and incidental facilities; provided, however, that such incidental use or uses must be secondary to the primary use as a parking facility, and in any event the portion of the land devoted to such incidental use or uses shall not exceed ten per cent of the surface area of such property, and if a building is erected on such property for the purpose of parking motor vehicles, then such incidental use or uses of such building shall not occupy more than ten per cent of the floor area; provided, further, that the commission or the city shall lease such space to private operators; to receive, control, and order the expenditure of, any and all moneys and funds pertaining to parking facilities or related properties, including, without limiting the generality of this provision, (i) all revenues derived from operations of the commission, (ii) all money appropriated or made available by the city pursuant to section 7 of this act, or otherwise, (iii) the proceeds of all financial aid or assistance by the city, federal or state governments, (iv) the proceeds of assessments levied, (v) the proceeds of all revenue bonds issued pursuant to this act by the city for parking facilities.

Investment of funds.

(e) To invest any funds held in reserve or sinking funds or any funds not required for immediate disbursement in property or securities in which cities may legally invest funds subject to their control, but no such investment shall be made in contravention of any covenant or agreement made with the holders of any revenue bonds of the commission theretofore issued and then outstanding.

(f) To exercise all or any part or combination of the powers herein granted.

(g) To do and perform any and all other acts and things necessary, convenient, desirable or appropriate to carry out the provisions of this act.

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Section 8. **Acquisition of Existing Parking Facilities: Limitation.** No existing parking facility shall be acquired by the exercise of the power of eminent domain by a commission or the city except after public hearing following notice of the date, time, place, and purpose of such hearing published once not less than ten nor more than twenty days prior to the date of such hearing; provided, however, that no property being used as a facility or facilities for the parking and/or storing of motor vehicles shall be acquired by a commission as heretofore provided by this act, unless the project to be furnished or constructed by a commission which necessitates the acquisition of such parking facility or facilities will encompass an area of land and parking area not less than three (3) times the area of land and parking area encompassed by the existing parking facility.

Acquisition of existing parking facilities.

Limitation.

Section 9. **Lease: Bids.** The commission or city shall lease any project acquired by it under the provisions of this act to the highest responsible bidder after notice, which shall consist of the publication of a notice inviting bids, by two or more insertions thereof, not less than five days apart, in a newspaper of general circulation printed and published in such city, or city and county, which publication shall be commenced not less than fifteen days prior to the date set in the notice for the opening of bids; or if there be no newspaper of general circulation printed or published therein, by posting copies of said notice inviting bids in at least three public places in the city, or city and county, not less than fifteen days prior to the date set in the notice for the opening of bids. Such notice shall distinctly and specifically describe the project and the facilities in connection therewith which are to be leased, the period of time for which said project is to be leased and the minimum rental to be paid under such lease; provided, that the commission may reject any and all bids presented and readvertise; provided further, if no reasonable bid is received the commission must readvertise once again. If no valid bid is received after such readvertisement, then and only then may the commission or city operate such project itself. In the event the commission or city so operates such project it must readvertise for bids in the manner hereinabove provided once every year.

Commission shall lease project to highest responsible bidder.

Publication of notice inviting bids.

Commission or city may operate project, when.

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Planning, zoning, sanitary and building laws.

Section 10. **Planning, Zoning and Building Laws: Co-operation of City Officers and Departments: Payment in Lieu of Taxation.** All parking facilities of a commission shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the parking facility is situated. In the planning and location of any parking facility, a commission shall be subject to the relationship of the facility to any master plan or sections of a master plan for the development of the area in which the commission functions. In order that there may be no unnecessary duplication of effort or expense, the commission shall have access for the purposes of the commission to the services and facilities of the city planning department, the city engineer, the police department, the fire department and such other departments and offices of the city as may be appropriate therefor. The legislative body may in the resolution declaring need for a parking commission to function provide for a sum to be paid annually by the commission to the city, which shall not exceed the amount the commission would be required to pay in ad valorem taxes if it were a private entity owning the same property.

Co-operation of city officers and departments.

Revenue bonds.

Section 11. **Revenue Bonds: Obligation of Commission Only.** The commission shall have power to issue revenue bonds in its name. These bonds shall constitute obligations of the commission only, and neither the payment of the principal or interest of any such bond constitutes a debt, liability or obligation of the city or of the State of Montana. All bonds issued by the commission shall contain a recital on their face that neither the payment of the principal or any part thereof nor any interest thereon constitutes a debt, liability or obligation of the city or of the state.

City not obligated.

Types of bonds.

Section 12. **Types of Bonds: Sources From Which Payable.** A commission may issue such types of revenue bonds as it may determine, including revenue bonds on which the principal and interest are payable: (a) Exclusively from the income and revenues of the parking facilities financed with the proceeds of such bonds, or with such proceeds together with financial assistance from the state or federal governments in aid of such projects; (b) Exclusively from the income and revenues of certain designated parking facilities whether or not they were

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financed in whole or in part with the proceeds of such bonds; (c) From its revenues generally; (d) From any contributions or other financial assistance from the state or federal governments; (e) From parking meter revenues of the city which may be appropriated by the governing body of the city; or (f) By any combination of these methods. Any such bonds may be additionally secured by a pledge of any parking meter revenues. The legislative body of a city may pledge or allocate such parking meter revenues for periods of years for the financing or operation of any project authorized by this act and the payment of principal and interest on all or any revenue bonds issued and outstanding pursuant to this act, until all of such bonds have been fully paid.

Pledge of parking meter revenues.

Section 13. **Authority to Determine Terms and Conditions.** Each commission shall have power to determine, by resolution, with reference to each issue of revenue bonds to be issued under this act, all the terms and conditions of such bonds, and of the sale and issuance thereof, and any and all matters necessary or appropriate to be determined in connection therewith, excepting only as such power is limited by, or under the authority of, express provisions of this act. Without excluding the exercising of any other powers under, or in any way limiting the generality of, the preceding general grant of power, or in any way excluding or limiting the exercising of any or all other powers granted by this act, the general power granted by this section shall include, and each such commission shall have and in its discretion may exercise, the specific powers provided by this act.

Authority to determine terms and conditions of bonds.

Section 14. The commission may enter into indentures providing for the aggregate principal amount, date, or dates, maturities, interest rate, denominations, form, registration, transfer and interchange of such bonds and coupons, and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds,

Indentures authorized.

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has recourse to all of the provisions of the indenture, and is bound thereby. An indenture pursuant to which bonds are issued may include such covenants and agreements on the part of the commission as the commission deems necessary or advisable for the better security of the bonds issued thereunder. An indenture may include any, or one, or all the following clauses relating to the bonds issued thereunder: Requiring the commission to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture; requiring the commission to make all repairs, renewals and replacements necessary to the operation of the project and to keep it at all times in good repair; requiring the commission to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights; requiring the commission to pay and discharge or cause to be paid and discharged from the funds available for that purpose all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, of any part thereof, of any project acquired, constructed or completed from the proceeds of the sale of the bonds or from other proceeds or upon any of the physical properties thereof which might impair the security of the bonds; which limits, restricts, or prohibits any right, power or privilege of the commission to mortgage or otherwise encumber, sell, lease or dispose of any project constructed from the proceeds of the bonds or from other proceeds, or to enter into any lease or agreement which impairs or impedes the operation of such project, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

Requiring the commission to fix, prescribe and collect fees, tolls, rentals or other charges in connection with the services and facilities furnished from the project acquired, constructed or purchased from part or all of the proceeds of the bonds or from other proceeds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses or operation, maintenance and repair of the project, and with such addi-

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tional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charge in connection with such project; requiring the commission to hold in trust the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

Limiting the power of the commission to apply the proceeds of the sale of any issue of bonds for the acquiring, constructing, or completing of any project or any part thereof, or more than one of such projects; limiting the power of the commission to issue additional revenue bonds for the purpose of acquiring, constructing or completing any improvement or any part thereof; requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the commission on any project, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected; providing the events of default, and the terms and conditions upon which any or all of the bonds then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

Designating the rights, limitations, powers and duties arising upon breach by the commission of any of the covenants, conditions, or obligations contained in any indenture; prescribing a procedure by which certain specified terms and conditions of the indenture may be subsequently amended or modified with the consent of the commission and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the commission may

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agree that bonds held by the commission, by any department, political subdivision or agency of the State of Montana, or by any public corporation, municipality, district or political subdivision shall not be counted as outstanding bonds, or be entitled to vote or assent but shall nevertheless, be subject to any such modification or amendment.

Section 15. The indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable; the commission may designate a bank or trust company as a trustee for the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders, and may fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues collected for or on account of the bondholders. The authority may prescribe the duties and powers of such trustee with respect to the payment of principal and interest on the bonds, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

Trustee for holders of bonds.

Section 16. The commission may issue revenue bonds in series or may divide any issue into one or two or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the commission, at or prior to the issue thereof. The commission may provide for successive issues or may provide for one maximum issue.

Further provisions relating to bonds

Section 17. Revenue bonds shall bear interest at a rate of not to exceed six (6) per cent per annum, payable annually or semiannually or in part annually and in part semiannually. Prior to the issuance of bonds the commission may fix limitations or restrictions on the payment of interest. Bonds may be callable upon such terms, condi-

Interest rate on bonds and other terms of bonds.

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tions, and upon such notice as the commission may determine, and upon the payment of the premium fixed by the commission in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond. The commission may provide for the payment of the principal and interest of bonds at any place within or without the State of Montana in specified coin or currency of the United States.

Signatures on bonds.

Section 18. All of the signatures on said bonds and on the interest coupons thereof may be printed, lithographed or engraved facsimile except the countersignature of the clerk or other officer of the commission designated by the commission which countersignature shall be manually affixed. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

Dates of bonds.

Maturities of bonds.

Section 19. **Bonds shall bear dates prescribed by the commission.** Bonds may be serial bonds or sinking fund bonds with such maturities as the commission may determine. No bond by its terms shall mature in more than forty (40) years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Sale or other disposition of bonds.

Section 20. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell bonds at less than their par or face value but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) per cent per annum, payable semi-annually, according to standard tables of bond values. The commission may provide for the security of the bonds. Interest on bonds may be paid out of the proceeds of the

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sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture. The commission may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of any project acquired, constructed or completed from the proceeds thereof as may be provided for in the indenture. Pending the actual issuance or delivery of revenue bonds, the commission may issue temporary or interim bonds, certificates or receipts of any denomination whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery. All such revenue bonds, and the interest or income therefrom, are exempt from all taxation in this state, other than gift, inheritance and estate taxes. All bonds issued under this act shall be legal investments for both public and private funds. The commission may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the commission. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance sale or exchange thereof.

Bonds declared legal investments for public and private funds.

Section 21. **Funding or Refunding Bonds.** Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retire-

Funding or refunding bonds.

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ment. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

Section 22. **Rates, Fees and Charges: Lien.** The commission shall fix the rates, fees, and all other charges to be made for all projects, services or facilities furnished, acquired, constructed or completed under this act for the use thereof by any persons or public or private agencies utilizing such projects, services or facilities. Subject to such contractual obligations as may be entered into by the commission and the holders of the revenue bonds issued under this act. the commission is authorized to change such rates, charges and fees from time to time as conditions warrant. All rates, fees and charges shall be at all times fixed to yield annual revenue which together with other revenue shall be equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges on the revenue bonds at any time issued and outstanding in connection with the project of which such facilities are a part as the same become due. The commission may provide that bond redemption and the interest payment shall constitute a first, direct and exclusive charge and lien on all such fees, and charges and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of the project for the acquisition, construction or completion of which such revenue bonds were issued, and all such fees and charges and other revenues, together with the interest thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid. The commission may provide that the rates, fees and charges established are minimum rates, fees, and charges and subject to increase or decrease in accordance only with the terms of the indenture under which the revenue bonds were issued.

Rates, fees and charges for projects, services or facilities.

Lien on fees charges and revenues.

Trust fund.

Section 23. **Contracts: Indenture: Lease: Incorporation by Reference.** Every contract entered into by the commission for the use of any project or the services or facilities thereof, acquired, constructed or completed from the proceeds of the sale of revenue bonds shall incorporate by reference the provisions of any indenture pursuant to

Contracts or leases.

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which the bonds were issued. Every such contract or lease shall also refer to the provisions of this act with respect to the obligation of the commission to fix fees and charges to meet the payments provided for in this act and in the proceedings for the issuance of revenue bonds and all payments required to be made to the commission under such contract shall be subject to increase if and when the commission is required to increase rates or charges to meet its obligations hereunder and under any indenture providing for the issuance of bonds. An obligee of a commission shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

Rights of obligee of the commission.

(a) (To Compel Performance of Contract.) By mandamus, suit, action or proceeding at law or in equity to compel said commission and the members, officers, agents, or employees thereof to perform each and every term, provision, and covenant contained in any contract of said commission with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said commission and the fulfillment of all duties imposed upon said commission by this act.

To compel performance of contract.

(b) (To Enjoin Unlawful Acts.) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said commission.

To enjoin unlawful acts.

Section 24. A commission shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holdings or representing a specified amount in bonds, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event or default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

Rights may be conferred upon obligee — the right to court action.

(a) To cause possession of any parking facility or any part thereof to be surrendered to any such obligee.

To obtain possession of parking facility.

(b) To obtain the appointment of a receiver of any parking facility of said commission or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such park-

To obtain appointment of a receiver of parking facility.

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ing facility or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in separate account or accounts and apply the same in accordance with the obligations of said commission as the court shall direct.

To require an accounting.

(c) To require said commission and the members and employees thereof to account as if it and they were the trustees of an express trust.

Property of commission exempted from levy on execution.

Section 25. All real property of a commission shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against a commission be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage, deed of trust or other encumbrance of a commission or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by a commission on its rents, fees, or revenues.

Obligee may enforce mortgage — pledge of rents, fees or revenues.

Separability of act.

Section 26. **Validity of Act.** If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved March 5, 1951.

CHAPTER 224

An Act to Amend Section 68-501, Revised Codes of Montana, 1947, in Chapter 5, Under Title 68 of Said Codes, Relating to the Board of Administration of the Public Employees' Retirement Act, Its Powers and Duties and in Particular to Subdivision (h) of Said Section Relating to Credit for Prior Service, and Providing That Credit for Prior Service in State, County, City, Public District, or Contracting Public Agency, Who Have Been at Any Time Since July 1, 1945, or Who May Hereafter at Any Time Become Members or Employees of the State or of a Contracting City, Contracting County, Public Agency or Contracting Public Agency; on Mak-

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ing the Contributions Herein Stipulated, and on Meeting the Other Conditions Herein Prescribed Within the Time Limited by This Act; and Providing That Credits Shall Be Granted for Prior Service to Retired Members for Any Such Service Rendered Prior to January 1, 1945; Providing That Credit for Prior Service Shall Be Granted to All Retired Members for All State Service Rendered Prior to January 1, 1945, Notwithstanding the Date of Participation of the Contracting Public Agency in the Public Employees' Retirement System or Any Other Limitation or Provision of the Public Employees' Retirement Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 68-501, Rev. Codes, 1947.

Section 1. That Section 68-501, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Board of administration.

"Section 68-501. **Board of Administration.** The board of administration shall consist of five (5) members appointed by the governor, three (3) of which members shall be public employees and shall be members of the retirement system, and two (2) of which shall be members at large. The terms of public employee members presently serving on the board of administration shall continue in full force and effect, and the original appointments of the two (2) members at large shall be as follows: one for a term of two (2) years and one for a term of three (3) years. As the respective terms of all members of the board expire, each appointment shall be for a term of three (3) years; provided not more than one (1) employee member of the retirement board shall be an employee of the same department, bureau or agency of the state or contracting public agency. Members of the board of administration shall serve on a per diem basis and shall be paid at the rate of ten dollars ($10.00) per day of service, plus actual and necessary expenses, provided, however, the total per diem compensation in any one year for each member of the board shall not exceed the sum of five hundred dollars ($500.00).

Legal counsel.

"The attorney general is hereby designated legal counsel for the board.

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Vacancy on board — how filled.

"(a) Vacancy on board — how filled. Any vacancy occurring ninety (90) days or more before the expiration of the term of any member of the retirement board shall be filled by appointment by the governor. The person thus appointed shall serve for the remainder of the unexpired term.

Powers and duties of board.

"(b) The board may establish such rules and regulations as it deems proper, within the limitations of this act and for its proper administration, operation and enforcement. The board shall elect one (1) of its members president, and shall appoint and fix the compensation of a secretary who shall have the power to administer oaths, and other necessary employees. It shall maintain its office in the city of Helena. A quorum of the board shall be three (3) members. The board may appoint a committee of one or more of its members, which shall have authority to perform routine acts, such as retirement of members and fixing of retirement allowances, approval of death claims and correction of records necessary in the administration of the system in accordance with the provisions of this act and rules and regulations of the board. All expenses of the administration of this act in excess of amount provided by the one dollar ($1.00) membership fee shall be a charge on the appropriation made from general fund of the state.

Determination of who are employees and eligibility for benefits.

"(c) The board shall determine who are employees within the meaning of this act and shall be the sole authority and judge under this act as to the conditions under which persons may be admitted to and continue to receive benefits under the retirement system, and shall have exclusive control of the administration and investment of the fund. As soon as practical after the close of each fiscal year, the board shall file with the governor a report of its work for such fiscal year.

Allowances for service and disability.

"(d) Subject to the following and to all other provisions of this act, and such rules and regulations as it may adopt in pursuance thereof, the board shall determine and may modify allowances for service and disability.

Credits for service.

"(e) The board of administration shall fix and determine how much service rendered in any fiscal year shall be the equivalent of a year of service and parts thereof, but shall credit one (1) year for two hundred

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and fifty (250) or more days of service rendered by employees on a per diem basis and one (1) year for ten (10) months or more of service rendered by employees on a monthly basis, but not more than one (1) year for all service in any fiscal year. In determining the credit to be granted for service rendered on a part-time basis, for purposes of calculating retirement allowances, the service shall be reduced to a full-time basis according to the service required, in the next preceding sentence, for credit for one (1) year of service. In calculating benefits based on service so determined, except in calculating the additional pension provided in subdivision (g) of Section 68-901 compensation earnable shall be taken as the compensation which would be earnable if the employment had been on a full-time basis, and with a compensation derived by multiplying the member's compensation by ratio of full-time to the time he was required by his employment to engage in his duties. In calculating the credit to be granted for service rendered on a part-time basis, for purposes of determining qualifications for retirement, and of calculating benefits payable upon death before retirement, the service required in this paragraph for credit for a year of service shall not be used, but instead, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years will be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

Calculation of benefits based on service.

"(f) Time during which a member is absent from public service without compensation shall not be allowed in computing service; except that time during which a member is absent from public service by reason of having been ordered on duty with the armed forces of the United States, or by reason of voluntary service by the member in said forces or on ships operated by or for the United States government, either during a war involving the United States as a belligerent or in any other national emergency, and for ninety (90) days thereafter shall be considered as time spent in public service, for the purpose of qualification for retirement and death benefits, but not

Absence from public service without compensation.

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for calculation of retirement benefits unless the member elects to contribute and contributes under the retirement system. Any member so absent and until his return within the said ninety (90) days may resign from the system. Any members so absent shall have the right to contribute to said system, either during his service with the armed forces of the United States or in the merchant marine of the United States, and ninety (90) days thereafter or upon his return to the state service, at times and in a manner fixed by the board of administration, amounts equal to the contribution which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence. If he does so contribute he shall receive credit for public service for such time in the same manner as if he had not been absent from public service. Whenever a member elects to continue his contributions, the state or the contracting city, or county or other agency shall thereupon contribute an amount equal to that which it would have contributed under section 68-1307 or under the contract between the board and the legislative body, as the case may be, if the member had not been absent from state service.

Member absent from state service by order, to duties outside state service.

"Any member so absent or any member absent from state service by reason of having been ordered by an authorized official of the State of Montana or the United States, to duties outside state service shall be paid upon his request, his accumulated contributions. Such payment shall terminate any election by said member under this section to contribute.

Absence by reason of injury or illness.

"Time during which a member is absent from public service by reason of injury or illness determined within one (1) year after the end of such absence as arising out of and in the course of his employment, shall be considered as spent in public service, for the purpose of qualification for retirement and death benefits, but not for the calculation of retirement benefits, except as he received compensation, as defined in this act and as distinguished from disability indemnity under the workmen's compensation act during the absence, and then only to the extent of compensation received.

Employees to file information affecting status.

"(g) Each employee shall file with the board of administration such information affecting his status as a member of the retirement system as the board may require.

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Credit for prior service.

"(h) Credit for prior service shall be granted to each person other than persons who are employees of the university or of a contracting city at the time of becoming members of the retirement system, who has rendered such service as defined in this act, and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service. Credit for prior service shall be granted to each person who is employed by the university at the time of becoming a member of the retirement system regardless of whether he had been retired under the system prior to the effective date hereof, who has rendered such service as defined in this act and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service.

Credit for prior service by city employees.

"Credit for prior service shall be granted to each person who is employed by a contracting city at the time of becoming a member of the system, who has rendered such service as defined in this act, and who has become a member of the retirement system within three (3) years after last rendering prior service. Notwithstanding the three (3) sentences next preceding, credit for prior service shall be granted to each person employed by the state including the university, who became a member while employed on a part-time basis, because of amendments to this retirement act, or who became a member prior to said amendments, because of a change in status to a full-time basis. The credit for prior service to be granted persons employed by a contracting city who are included under the retirement system shall be established by contract between the board and the legislative body of such city; and such credit as may be granted to a person shall be in the form of a percentage, not to exceed the analogous percentage applicable to employees of the state, for each year of prior service. Prior service so credited shall be the basis for a retirement allowance or benefit as provided in this act only if the membership in the retirement system continues unbroken until retirement or retirement allowance or until the granting of such other benefit; provided, that termination of membership by withdrawal of accumulated contributions followed by the redeposit of such contributions upon re-entrance into public service as herein provided shall not constitute a break in membership, but

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this section shall not be construed to entitle any person to credit as prior service for time during which he was not in public service as defined in this act.

Credit for prior services granted to persons employed since July 1, 1945.

"Credit for prior service shall be granted to all persons who have been at any time since July 1, 1945, or who may at any time hereafter become members or employees of the state or of a contracting city, contracting county, public agency or contracting public agency, notwithstanding any other provisions of the public employees' retirement act, as amended or supplemented; subject, however, to the following conditions: namely, that any such person desiring to qualify for the benefits of the act must contribute to the pension accumulation fund of the public employees' retirement system for the purpose of accomplishing such qualification, an amount which shall be based on age and sex at the time of original membership, and, upon the compensation earnable by such person during the month preceding the separation of such person from the state service. The time of original membership is hereby defined as the date when any such person elects to become a member of the public employees' retirement system.

Conditions.

"Original membership" defined.

Credit for prior service granted to retired members.

"Providing that credit for prior service shall be granted to all retired members for all state service rendered prior to January 1, 1945, notwithstanding the date of participation of the contracting public agency in the public employees' retirement system or any other limitation or provision of the public employees' retirement act.

Management and control of system.

"(i) The management and control of the retirement system shall be vested in the board of administration, and it shall exercise the following powers and perform the following duties:

Powers and duties of board.

"(j) The board of administration shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this act. On July 1, 1946, and at the end of every two-year period thereafter, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries under the provision of this act, and shall further cause to be made an actuarial valuation of the assets and liabilities of the public employees' retirement fund herein created, and

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from time to time shall determine the rate of interest being earned on the said retirement fund. Upon the basis of any or all of such investigation, valuation, and determination, said board shall adopt such mortality, service and other tables and such interest rate, in lieu of the interest rate specified herein, or any of such items as it shall deem necessary, and shall make such revision in rates of contributions of members as it may deem necessary to comply with the provisions of section 68-701. No adjustment shall be included in the new rates for time prior to the effective date of such revision.

Interest or contributions of members of beneficiaries.

"(k) The board shall credit contributions of members of beneficiaries, of the state and of contracting cities with interest at the rate being used under the system on the effective date hereof, compounded each June thirtieth, subject to the foregoing subdivision (j) of section 68-501. At the end of each fiscal year, beginning with the second fiscal year of the operation of the retirement system, it may credit to all contributions held in the retirement fund at June thirtieth of the then current fiscal year, such interest in excess of said rate provided herein as it may deem proper in the light of the earnings of the retirement fund during such fiscal year, but such additional interest credited during any fiscal year shall not be greater than the excess of said earnings over the interest otherwise credited to contributions during that year. Interest at said rate, compounded annually, subject to said foregoing subdivision (j) hereof, shall be used in the calculation of benefits under any mortality table adopted by the board, regardless of any additional interest allowed on contribution under this paragraph.

Records and accounts to be kept.

"In addition to other records and accounts, it shall keep such records and accounts as may be necessary to show at any time:

"The total accumulated contributions of members.

"The total accumulated contributions of retired members less the annuity payments made to such members.

"The accumulated contributions of the state and of contracting cities held for the benefit of members on account of service rendered as members of the retirement system.

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"All other accumulated contributions of the state and of contracting cities which shall include the amounts available to meet the obligation of the state and of the contracting cities, respectively on account of benefits that have been granted to retired employees and on account of prior service of members.

Financial statement to be published annually.

"(1) In addition to rendering the annual report to the governor required by subsection (c) of this section, it shall cause to be published annually a financial statement showing an actuarial valuation of the assets and liabilities of the retirement system created by this act and a statement as to the accumulated cash and securities in the retirement fund as certified by the state auditor, but until all prior service is verified, the board of administration may omit from the financial statement published annually, assets and liabilities resulting from such prior service, and may include assets and liabilities on account of service rendered as members in amounts equal only to accumulated contributions held on account of such service."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 225

An Act to Amend Section 92-715, Revised Codes of Montana, 1947, by Providing That Monthly Payments May Be Converted Into a Lump Sum Payment, Which Lump Sum Payment Shall Not Exceed the Estimated Value of the Present Worth of the Deferred Payments Capitalized at the Rate of Two Per Centum (2%) Per Annum.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 92-715, Rev. Codes, 1947.

Section 1. That Section 92-715 of the Revised Codes of Montana of 1947, be, and the same hereby is amended to read as follows:

Monthly payments converted into a lump sum.

"92-715. **Monthly Payments Converted Into a Lump Sum.** The monthly payments provided for in this act may be converted, in whole or in part, into a lump sum payment,

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which lump sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of *two* per centum (*2%*) per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary, or major or minor dependents, as the case may be, and shall rest in the discretion of the board, both as to the amount of such lump sum payment and the advisability of such conversion. The board is hereby vested with full power, authority, and jurisdiction to compromise claims and to approve compromises of claims under this act; and all settlements and compromises of compensation provided in this act shall be absolutely null and void without the approval of the board.''

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 226

An Act to Transfer from the Balance, If Any, Now Remaining in Certain Specific Appropriation Made from the General Fund Under a Specific Provision of House Bill Number 447 of the Thirty-first Legislative Assembly for the Unit of the University of the State of Montana Known as Eastern Montana College of Education, Designated in Said Bill as Eastern Montana Normal School, Transferring from Said Balance. If Any, a Sum of Money Not to Exceed Eight Thousand Dollars ($8,000.00) from the Fund Created by Said Specific Appropriation to the General Fund of the Said Eastern Montana College of Education for Salaries and Expenses; and Providing That This Act Shall Be in Full Force and Effect from and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble.

WHEREAS, by House Bill Number 447 of the Thirty-first Legislative Assembly, among other appropriations

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a specific appropriation was made from the general fund to eastern Montana college of education in the sum of one hundred thirty-eight thousand dollars ($138,000.00) for salaries and expenses for the special commercial and shop educational departments, repairs to gymnasium, tower and laboratory school roofs, repairs to and interior decorating of administration building, pointing up brick on administration building, purchase of library books, purchase of furniture and equipment for science building, installation of electrical substations and power lines, development of parking lot, sports and recreation field improvement, landscaping and fencing irrigation ditch and campus irrigation, for the period beginning July 1, 1949, and ending June 30, 1951; and

WHEREAS, because of the variety of said work and the time necessary for the performance, all of said specific appropriation may not, at the time of the enactment hereof, be expended; and

WHEREAS, the funds heretofore appropriated for the salaries and general expenses of said eastern Montana college of education for the period to June 30, 1951, are inadequate to meet the said expenses within said period and said salaries and expenses will exceed the amount so appropriated therefor by approximately eight thousand dollars ($8,000.00);

NOW THEREFORE:

Transfer of funds for salaries and expenses by Eastern Montana College of Education.

Section 1. There is hereby transferred, and this does hereby transfer, for the period from the passage and approval of this act, ending June 30, 1951, from said sum of one hundred thirty-eight thousand dollars ($138,000.00), or so much thereof as there is now remaining, such amount as may be necessary, not exceeding eight thousand dollars ($8,000.00), to be expended for salaries and expenses by said eastern Montana college of education for the period ending June 30, 1951.

Section 2. The funds hereby transferred from the said fund of one hundred thirty-eight thousand dollars ($138,000.00) shall first be subtracted from the balance of said one hundred thirty-eight thousand dollars ($138,000.00) yet remaining before the reappropriation for the period after the thirtieth day of June, 1951, of the remaining

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balance of said one hundred thirty-eight thousand dollars ($138,000.00) to the purposes for which the same was appropriated by said house bill number 447.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

CHAPTER 227

An Act to Create a Revolving Fund in the Department of Agriculture for the Purpose of Paying for Supplies Furnished and Services Rendered to State or Federal Agencies and Others on a Cooperative Basis, Where Costs Are Reimbursable; Providing That Such Fund Shall Not Exceed the Sum of Three Thousand Dollars ($3,000.00); and Re-appropriating Money from Monies Previously Appropriated to Establish Such Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of revolving fund for paying for supplies and services furnished state or federal agencies on a co-operative basis.

Section 1. There is hereby created a revolving fund to be administered by the commissioner of agriculture of the State of Montana. Said revolving fund shall be used solely for the purpose of paying for supplies and services rendered to state or federal agencies and others where a written cooperative agreement is entered into and costs are reimbursable and to include the purchase of egg seals. Said reimbursements including returns from egg seal sales shall be deposited in the revolving fund until said fund reaches the amount of three thousand dollars ($3,000.00); thereafter, any surplus remaining in such fund over the amount of three thousand dollars ($3,000.00) shall revert to the general fund annually at the end of each fiscal year.

Section 2. The fund shall be audited annually by the state examiner.

Re-appropriation of funds.

Section 3. From the monies heretofore appropriated by Section 3 of House Bill No. 442, Laws of Montana, 1949, to the department of agriculture, labor and industry, for the dairy division and the horticulture division, there is hereby re-appropriated the sum of two thousand dollars ($2,000.00) to be used to establish the revolving fund

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created by section 1 of this act, said two thousand dollars ($2,000.00) to be taken in equal portions of one thousand dollars ($1,000.00) each from the monies appropriated to the dairy division and the horticulture division.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 5, 1951.

CHAPTER 228

An Act to Create the Charles M. Russell Memorial Commission; Defining Its Duties and Powers; Providing for Appointment of the Members Thereof by the Governor; Appropriating the Sum of One Thousand Dollars ($1,000.00) for Necessary Expenses of the Commission; and Pledging the Good Faith of the State of Montana to Appropriate by Action of the Thirty-third Legislative Assembly of the State of Montana, the Sum of Sixty-two Thousand Five Hundred Dollars ($62,500.00) for the Purchase by the State of Montana of All the Original Works of Charles M. Russell in "The Mint Collection", and Any Other Original Works of That Artist, on Condition the Further Sum of Sixty-two Thousand Five Hundred Dollars ($62,500.00) is Raised by Public Subscription; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Charles M. Russell commission created.

Section 1. **Creation of Commission.** There is hereby created a commission to be known as the Charles M. Russell memorial commission, to act on behalf of the State of Montana within the limited powers hereby invested in it.

Organization.

Section 2. **Organization.** The Charles M. Russell Memorial commission shall consist of five (5) members who shall be appointed by the governor within sixty (60) days after the passage and approval of this act. In case of a vacancy in the membership of said commission, the governor shall fill such vacancy by appointment for the unexpired term. The members shall serve without compensation and shall hold office for a period of two (2) years.

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Duties and powers.

Section 3. **Duties and Powers.** The commission shall have authority to issue receipts and to solicit and accept contributions in the name of the State of Montana and to carry on a public campaign for the purpose of raising money to buy, and buying the collection of Charles M. Russell paintings known as "the Mint collection" and any other original works of art produced by the late Charles M. Russell, all of the same to become, when paid for, the property of the State of Montana and to be housed and exhibited to the public in the memorial building owned by the State of Montana.

Appropriation for use of the commission.

Section 3. **Appropriation.** There is hereby appropriated for the use of the commission the sum of one thousand dollars ($1,000.00) for the purpose of paying necessary expenses of the commission, including printing, postage, clerical hire and other expenses. Further, in the event the campaign of the commission is successful in raising by public subscription the sum of sixty-two thousand five hundred dollars ($62,500.00), the good faith of the State of Montana is pledged to an appropriation by the thirty-third legislative assembly of the State of Montana of a full, equal sum, namely, sixty-two thousand five hundred dollars ($62,500.00) for the purpose of completing the total purchase price upon said collection and other original works of the late Charles M. Russell, to the end that all of the same, including oil paintings, paintings in aqua, pen sketches, sculptures, illustrated writings and letters, and any other of the works of the late Charles M. Russell, shall become the property of the State of Montana, and forever be available to free inspection by the people for their enjoyment, inspiration and historical study of the old west.

State not to be bound except as herein authorized.

Section 4. Nothing contained in this act shall be construed as further binding the State of Montana than specifically set forth in this act; nor shall any member of the commission have the authority further to bind the State of Montana.

Budget act not applicable.

Section 5. The appropriation hereinabove provided for shall be deemed and held valid, notwithstanding the provisions of the budget act.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

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Section 7. All acts and parts of acts in conflict with this act are hereby repealed. Repealing clause.

Approved March 5, 1951.

CHAPTER 229

An Act to Amend Section 2 of Chapter 190, Laws of 1949, Relating to Rental Rates of State Grazing Lands Upon the Animal-unit-month Basis, by Providing the Formula for Computation of Such Rates, Providing an Effective Date for This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 190 of the Laws of 1949 be, and the same is hereby amended to read as follows: Amendment of Sec. 2, Chap. 190, Laws of 1949.

"Section 2. The state board of land commissioners shall establish the per annum rental rate per section of all state grazing lands upon the animal-unit-month basis as hereinafter provided. Per annum rental rate of state grazing lands.

"In fixing the minimum annual rental per section, the following formula shall be used:

"The proportional relationship between the average price per *pound* of livestock on the farm in Montana during the period between 1938 and 1947, inclusive, and the average grazing fee per animal-unit per month for said period shall be applied to the average price per *pound* of livestock on the farm in Montana for *three years next* preceding the fixing of the rental. Formula for fixing rate.

"The resulting figure shall be multiplied by, first, the carrying capacity of the land and, second, by twelve (12) so as to bring the rental from a monthly to an annual figure.

"The average price per hundred weight of livestock on the farm in Montana during the period between 1938 and 1947, inclusive, to be used in the above formula, is hereby declared to be ten dollars and fifty cents ($10.50).

"The average grazing fee per animal-unit per month

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for the period between 1938 to 1947, inclusive, to be used in the above formula, is hereby declared to be *eighteen cents (18¢)*.

"The carrying capacity of the land, to be used in the above formula, shall be in accordance with the determinations of the commissioner of state lands, made pursuant to Section 4 of Chapter 207 of the Laws of 1945.

"The average price per *pound* of livestock on the farm in Montana for the *three years next* preceding the fixing of the rental, to be used in the above formula, shall be taken from the current statistics published by the bureau of agricultural economics of the United States department of agriculture, or from other reliable sources.

Illustrative computation.

"Thus, a section of land with a carrying capacity of *sixteen (16)* animal-units, and with the average price per *pound* of livestock on the farm in Montana being *twenty-one and fifty-seven hundredths cents ($.2157) the three preceding years,* will have a minimum rental for the following year computed as follows:

Price per lb. for cattle from 1936 to 1947		A.U.M. Rental	Average price per cattle for 1948 - 1949 - 1950	Rental per A.U. for 1 month
.105¢	is to	.180¢ as	.2157¢ is to	× or .37¢

.37¢ for 1 cow for 1 month

12

74
37

4.44 for 1 cow for 12 months
16 Average No. cows for state for 12 months grazing.

2664
444

$71.04 Average rental for 16 cows for 12 months or 1 year.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall be in full force and effect from and after the twenty-eighth day of February, 1952. Effective date.

Approved March 6, 1951.

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

Enacted by the

Thirty-second Legislative Assembly

STATE OF MONTANA

1951

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 1

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Thirty-Second Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for Incidental Expenses of the Thirty-Second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other;

For the payment of mileage and per diem to the members of the thirty-second legislative assembly of the State of Montana.

Eighty-five thousand dollars $85,000.00

For the payment of per diem to the officers and attaches of the thirty-second legislative assembly of the State of Montana.

Seventy-five thousand dollars $75,000.00

For the payment of incidental expenses of the thirty-second legislative assembly of the State of Montana.

Twenty-five thousand dollars $25,000.00

Section 2. The amounts appropriated herein are to be used for the purpose designated. However, if there is a surplus in any one item, it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved January 5, 1951.

HOUSE BILL NO. 26

An Act Appropriating Money from the General Fund for Operation and Maintenance of the State Prison for the Months of January and February of the Year 1951, the Appropriation Made Therefor by the Thirty-First Legislative Assembly Having Been Found to Be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the months of January and February of the year 1951 for the state prison:

FROM THE GENERAL FUND

Exclusively for salaries and wages,

Twenty thousand dollars $20,000.00,

any unexpended balance thereof on hand March 1, 1951, to revert on that date to the general fund.

Exclusively for rent owing William Hibbs Wallace on the Wallace ranch under a written lease for the period beginning April 1, 1951 and ending April 1, 1952,

Twelve thousand dollars .....$12,000.00.

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved January 25, 1951.

HOUSE BILL NO. 85

An Act Appropriating All Balances of Money Remaining in the Appropriation Made Under the Provisions of House Bill No. 38,

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Laws of 1949, from the State Treasury for the Equipping of the Veterinary Research Laboratory at the Montana Agricultural Experiment Station and for Necessary Improvements; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring This Act to Be Valid Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, by House Bill No. 38 of the Laws of Montana of 1949, money was appropriated by the legislative assembly from the state treasury to defray or finance the cost of needed general improvements and equipment of the Veterinary Research Laboratory of the Montana Agricultural Experiment Station for the period beginning July 1, 1949, and ending June 30, 1951, and

WHEREAS, because of the delay in allocation of the five million dollar bond issue fund for construction of new buildings at the university units, it has not been possible to construct a modern veterinary research laboratory building as contemplated and for which funds appropriated by House Bill No. 38 of the 1949 legislative assembly were to be used to equip and furnish such new laboratory, and because of the resulting changes necessitated by this delay and the variety of said work and the time necessary for its performance, all of said appropriation could not be expended within said two-year period and it is therefore necessary that the balance remaining in said appropriation be reappropriated and made available for the coming biennium in order to complete the work and improvements now under contract, or hereafter to be contracted for,

NOW, THEREFORE:

Section 1. There is hereby appropriated the balance remaining on June 30, 1951, in the appropriation made under the provisions of House Bill No. 38, Laws of Montana of 1949, from the state treasury to the veterinary research laboratory.

Section 2. The appropriated balance herein above provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used for the purposes provided in said House Bill No. 38, Laws of Montana of 1949.

Section 3. It is not the intent of this act to increase or reduce any of the original appropriations made by said House Bill No. 38, but to enable the above institution to use remaining balance in the original appropriation provided in said act.

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Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall take effect immediately upon its passage and approval.

Approved February 20, 1951.

HOUSE BILL NO. 171

An Act to Appropriate Money for the Purchase of Additional Sets of the Revised Codes of Montana of 1947, and Cumulative Pocket Supplements of 1949 and 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purchase of additional sets of the Revised Codes of Montana of 1947, with Cumulative Pocket Supplements of 1949 and 1951, as follows:

FROM THE GENERAL FUND

100 Sets Revised Codes of Montana of 1947 at $65.00 per set, six thousand five hundred dollars	$ 6,500.00
100 sets Cumulative Pocket Supplements for 1949, at $4.00 per set, four hundred dollars	$ 400.00
375 sets Cumulative Pocket Supplements for 1951, at $10.00 per set, three thousand seven hundred fifty dollars	$ 3,750.00
Total	$10,650.00

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1951.

HOUSE BILL NO. 172

An Act to Appropriate Money for the Governor's Office for Requisitions for the Current Fiscal Year Ending June 30, 1951, It Being

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Determined That the Appropriations Made by the Thirty-First Legislative Assembly Were Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current fiscal year ending June 30, 1951, for the governor's office:

FROM THE GENERAL FUND

For requisitions, five thousand three hundred forty-eight dollars and fifty-five cents $5,348.55

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1951.

HOUSE BILL NO. 173

An Act to Appropriate Money for Certain Deficiency Claims Arising for Obligations Incurred by the 1949 Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the 1949 legislative assembly:

FROM THE GENERAL FUND

For obligations incurred by the 1949 legislative assembly, two thousand two hundred seventy-five dollars and fifteen cents ($2,275.15), more particularly itemized as follows:

State Publishing Company, Senate Journal $2,162.05

Liquor Investigating Committee ..... $ 113.10

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Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1951.

HOUSE BILL NO. 174

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising from Obligations Incurred by the Montana State College, the County Attorneys, the State Engineer, the State Training School, the Superintendent of Public Instruction, the State Treasurer, the District Judges, the Board of Education, the Attorney General, the Transportation of Prisoners, the Montana Highway Patrol and Governor's Office for Requisitions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims:

FROM THE MILLAGE FUND

For obligations incurred by the Montana State College, seven thousand eighty-nine dollars and ten cents ($7,089.10), more particularly itemized as follows:

Public Employees' Retirement System .....$ 7,089.10

FROM THE GENERAL FUND

For obligations incurred by the county attorneys, two hundred nineteen dollars and five cents ($219.05), more particularly itemized as follows:

Public Employees' Retirement System .....$ 219.05

For obligations incurred by the state engineer, thirty-four dollars and five cents ($34.05), more particularly itemized as follows:

Public Employees' Retirement System .....$ 34.05

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For obligations incurred by the Montana State Training School, five hundred thirty-six dollars and ninety-six cents ($536.96), more particularly itemized as follows:

Public Employees' Retirement System	$ 536.96

For obligations incurred by the superintendent of public instruction, one hundred ninety-one dollars and eighty-five cents ($191.85), more particularly itemized as follows:

Public Employees' Retirement System	$ 191.85

For obligations incurred by the state treasurer, twenty-nine dollars and eighty-four cents ($29.84), more particularly itemized as follows:

Public Employees' Retirement System	$ 29.84

For obligations incurred by the district judges, four hundred sixty-five dollars ($465.00), more particularly itemized as follows:

Public Employees' Retirement System	$ 465.00

For obligations incurred by the board of education, two hundred seventy-two dollars and fourteen cents ($272.14), more particularly itemized as follows:

Per diem and expenses of board members	$ 272.14

For obligations incurred by the attorney general, three hundred seventy-seven dollars and forty-three cents ($377.43), more particularly itemized as follows:

State Publishing Company	$ 128.66
Naegele Printing Company	$ 248.77

For obligations incurred by the transportation of prisoners, one hundred dollars and fifty-seven cents ($100.57), more particularly itemized as follows:

Garfield county	$ 65.67
Chris Christensen, sheriff, Fergus county	$ 34.90

For obligations incurred by the Montana highway patrol, fifteen thousand seven hundred ten dollars and thirty-three cents ($15,710.33), more particularly itemized as follows:

Montana Highway Commission	$11,623.20
Industrial Accident Board	$ 2,561.50
For board of prisoners	$ 1,158.00
For patrolmen expenses	$ 315.40
For patrol expenses	$ 52.23

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For obligations incurred by the governor's office for requisitions, three hundred seven dollars and thirty-three cents ($307.33), more particularly itemized as follows:

Chris Christensen, sheriff of Fergus county	$	173.08
Pat J. Horton, undersheriff of Daniels county	$	134.25

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1951.

HOUSE BILL NO. 197

An Act Appropriating Moneys to the Montana State Highway Commission for Use in Publicizing the Resources and Travel Attractions of the State for the Biennium Ending June 30, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That it is in the interest of the whole State of Montana that the state's unexcelled scenic and recreational attractions, their accessibility, and our wildlife resources, be given nationwide advertising and publicity, so as to multiply the number of visitors to Montana and so increase substantially the state's income.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purposes in this act expressed:

(a) For the period beginning July 1, 1951, and ending June 30, 1952, fifteen thousand ($15,000.00) dollars.

(b) For the period beginning July 1, 1952, and ending June 30, 1953, fifteen thousand ($15,000.00) dollars.

(c) It is hereby provided that the Montana state highway commission shall have power to accept and solicit contributions and donations from any business concern, organization, association, club or private individual, to be used in publicizing the resources and travel attractions of the state, for the period provided for in subsection (a) and (b).

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Section 3. That the Montana state highway commission, by the majority act of all its members, shall have power to enter into contracts for such advertising, publicity and cooperation referred to in this act, beginning at such time as in the judgment of said board may be in the best interest of the state and nation, and to pay for such contracts and salaries by warrants drawn by the state auditor, upon claims presented to and approved by a majority of said board, upon said funds hereby appropriated.

Section 4. At the beginning of the next regular session of the legislative assembly, the Montana state highway commission shall make to the governor and to each house of that body a report setting forth in full an account of their administration of said funds.

Approved March 5, 1951.

HOUSE BILL NO. 237

An Act to Re-Appropriate the Unexpended Balance of Moneys Appropriated by Chapter 169 of the Laws of 1949, to Be Credited to the Superintendent of Public Instruction for the Purchase of Texts for the Use of Visually Handicapped Children in the Public Schools; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, the Thirty-first Legislative Assembly of the State of Montana, by Chapter 169 of the Session Laws of 1949, did appropriate the sum of five thousand dollars ($5,000.00) to be credited to the superintendent of public instruction for the purchase of sight-saving or large print texts for use in the public schools of the state by visually handicapped children; and

WHEREAS, there remains unexpended a portion of the moneys so appropriated, the amount of which is estimated to be sufficient to permit continuance of said service through the biennium, 1951-1953; NOW, THEREFORE:

Section 1. There is hereby re-appropriated the unexpended residue of the said sum of five thousand dollars ($5,000.00) heretofore appropriated by Chapter 169 of the Session Laws of 1949, or so much thereof as may be necessary, to be credited to the superintendent of public instruction, for the purpose of purchasing sight-saving or large print texts for use by especially visually handicapped children of the public common schools, such texts to be dis-

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tributed to the said schools by the department of visual education of the office of the state superintendent of public instruction.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1951.

HOUSE BILL NO. 239

An Act to Reappropriate Such Balances of Money as May Remain on June 30th, 1951, in Certain Specific Appropriations Made from the General Fund Under Certain Specific Provisions of House Bill No. 447 of the Thirty-First Legislative Assembly for the Several Units of the University of the State of Montana, Known as Montana State University, Montana State College, Montana School of Mines, Western Montana College of Education, Designated in Said Bill as Montana State Normal College, Eastern Montana College of Education, Designated in Said Bill as Eastern Montana Normal School and Northern Montana College.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, by House Bill No. 447 of the Thirty-first Legislative Assembly, certain specific appropriations were made from the general fund to defray or finance the cost of those particular needed repairs, improvements and developments hereinafter described and set out, in and about particular units of the University of Montana herein named for the period beginning July 1, 1949, and ending June 30, 1951; and

WHEREAS, because of the variety of said work and the time necessary for the performance, all of said specific appropriations may not be expended within said two-year period, and it is necessary, therefore, that any balances remaining on June 30, 1951, in said specific appropriations be reappropriated and made available for the coming biennium in order to complete said work;

NOW, THEREFORE:

Section 1. There is hereby reappropriated, and this does hereby appropriate, for the period beginning July 1, 1951, and ending June 30, 1953, for the Montana State University such balance of the three hundred thousand dollars ($300,000.00) as may remain on hand June 30, 1951, as was appropriated by said House Bill No. 447 from the general fund to said Montana State University for the repair, im-

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provement and extension of campus roadways, walks and curbs, for the enlargement and extension of steam mains, extension of water mains and fire protection, for completion of the third floor of the business administration and education building, for construction of a forestry greenhouse and a pharmacy animal house, for installation of electrical distribution system, and class bell signal system and for the construction of laboratory and staff buildings, docks and live pens at the Yellow Bay biological station.

Section 2. There is hereby reappropriated, and this does hereby appropriate, for the period beginning July 1, 1951, and ending June 30, 1953, for the Montana State College, such balance of the three hundred twenty thousand dollars ($320,000.00) as may remain on hand June 30, 1951, as was appropriated by said House Bill No. 447 from the general fund to the said Montana State College for sewage disposal assessments by the city of Bozeman, special street improvements, telephone fire alarm charges, for the repair, improvement and extension of campus roadways, walks, curbs and parking areas, for replacing steam lines, purchase of equipment and furniture, including stacks for the new library and for the construction of bleachers.

Section 3. There is hereby reappropriated, and this does hereby appropriate, for the period beginning July 1, 1951, and ending June 30, 1953, for the Montana School of Mines, such balance of the forty-three thousand dollars ($43,000.00) as may remain on hand June 30, 1951, as was appropriated by said House Bill No. 447 from the general fund to the said Montana School of Mines for purchase of equipment for a petroleum laboratory, remodeling of and equipment for a mill building, for the repair, improvement and extension of campus roadways, walks, curbs and shrubbery, for the purchase of additional land contiguous to campus and additional appropriation for a shop building.

Section 4. There is hereby reappropriated, and this does hereby appropriate, for the period beginning July 1, 1951, and ending June 30, 1953, for Western Montana College of Education, designated in said House Bill No. 447 as Montana State Normal College, such balance of the one hundred fourteen thousand dollars ($114,000.00) as may remain on hand June 30, 1951, as was appropriated by said House Bill No. 447 from the general fund to the said Western Montana College of Education for salary of a janitor-engineer, for salaries and expenses for the special commercial, shop and home economics educational departments, for purchase of sprinkling system and stoker, repair of roof and gutters on main hall, construction of

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fire escapes, purchase of equipment for the music department, redecoration of library and main hall, rewiring main hall, installation of fire protection system and safety shower for laboratory, repair, improvement and extension of campus roadways, walks and shrubbery, purchase of lands for sports and recreation field, remodeling of lavatory rooms and enlarging auditorium stage.

Section 5. There is hereby reappropriated, and this does hereby appropriate, for the period beginning July 1, 1951, and ending June 30, 1953, for the Eastern Montana College of Education, designated in said House Bill No. 447 as Eastern Montana Normal College, such balance of the one hundred thirty-eight thousand dollars ($138,000.00) as may remain on hand June 30, 1951, as was appropriated by said House Bill No. 447 from the general fund to the said Eastern Montana College of Education for salaries and expenses for the special commercial and shop educational departments, repairs to gymnasium, tower and laboratory school roofs, repairs to and interior decorating of administration building, pointing up brick on administration building, purchase of library books, purchase of furniture and equipment for science building, installation of electrical sub-stations and power lines, development of parking lot, sports and recreation field improvement, landscaping and fencing irrigation ditch and campus irrigation.

Section 6. There is hereby reappropriated, and this does hereby appropriate, for the period beginning July 1, 1951, and ending June 30, 1953, for the Northern Montana College at Havre, such balance of the eighty-five thousand dollars ($85,000.00) as may remain on hand June 30, 1951, as was appropriated by said House Bill No. 447 from the general fund to said Northern Montana College at Havre for expense of garbage collection assessment, ground improvements, purchase of equipment for shops and laboratory, campus grounds improvements and supplemental building appropriation for building now under construction.

Section 7. The appropriated balances hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used exclusively for the specific purposes in this act provided for and no other.

Approved February 23, 1951.

HOUSE BILL NO. 240

An Act to Reappropriate Money Appropriated from the General Fund by House Bill No. 432 of the Thirtieth Legislative Assembly

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and House Bill No. 353 of the Thirty-First Legislative Assembly for the Purchase of the Lee House Surrounded by the Campus of the School of Mines, Inasmuch as These Funds Cannot Be Used Prior to June 30, 1951.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum be reappropriated, and the same is hereby appropriated, out of any moneys in the state treasury, not otherwise appropriated, for the purchase of the Lee House surrounded by the campus of the School of Mines at Butte, Montana, as set forth in House Bill No. 432 of the Thirtieth Legislative Assembly and House Bill No. 353 of the Thirty-first Legislative Assembly, for the period beginning July 1, 1951, and ending June 30, 1953, inasmuch as it appears that such purchase cannot be made prior to June 30, 1951:

FROM THE GENERAL FUND

Exclusively for the purchase of the Lee House surrounded by the campus of the School of Mines at Butte, Montana, six thousand five hundred dollars $6,500.00

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of budget act.

Approved February 20, 1951.

HOUSE BILL NO. 251

An Act to Appropriate Money to the Attorney General for the Purpose of Compiling and Printing a Digest and Index to the Reports and Official Opinions of the Attorney General of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated the sum of three thousand dollars ($3,000.00) out of any money in the state treasury not otherwise appropriated, to the attorney general for the purpose of compiling and printing a digest and index to the reports and official opinions of the attorney general of the State of Montana.

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1951.

HOUSE BILL NO. 259

An Act Appropriating All Balances of Money Remaining in the Several Appropriations Made Under the Provisions of House Bill No. 299 of the Thirty-First Legislative Assembly, from the Post War Planning and Construction Reserve Fund for the Following State Institutions: Eastern Montana College of Education, Billings; Montana School of Mines, Butte; Montana State University, Missoula; Northern Montana College, Havre; School for the Deaf and Blind, Great Falls; Industrial School for Boys, Miles City; Montana State Orphans' Home, Twin Bridges; Montana State Prison, Deer Lodge; Montana Soldiers' Home, Columbia Falls; Montana State Training School, Boulder; Montana State Tuberculosis Sanitarium, Galen; State Capitol; and Declaring This Act to Be Valid Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, by House Bill No. 299 of the Thirty-first Legislative Assembly money was appropriated by the legislative assembly from the post war planning and construction reserve fund to defray or finance the cost of needed post war construction, improvement and development in and about the several state institutions herein mentioned for the period beginning July 1, 1949, and ending June 30, 1951; and

WHEREAS, because of the variety of said work and the time necessary for its performance all of said appropriations could not be expended within said two-year period, and it is, therefore, necessary that the balances remaining in said several appropriations be reappropriated and made available for the coming biennium in order to complete the work and buildings now under contract, or hereafter to be contracted for;

NOW, THEREFORE:

Section 1. There are hereby appropriated, for the period beginning July 1, 1951, and ending June 30, 1953, the balances remaining on June 30, 1951, in the several appropriations made under the provisions of House Bill No. 299 of the Thirty-first Legislative As-

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sembly, from the post war planning and construction reserve fund to the following state institutions, to wit: Eastern Montana College of Education, Billings; Montana School of Mines, Butte; Montana State University, Missoula; Northern Montana College, Havre; School for the Deaf and Blind, Great Falls; Industrial School for Boys, Miles City; Montana State Orphans' Home, Twin Bridges; Montana State Prison, Deer Lodge; Montana Soldiers' Home, Columbia Falls; Montana State Training School, Boulder; Montana State Tuberculosis Sanitarium, Galen; State Capitol.

Section 2. The appropriated balances hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used for the purposes provided in said House Bill No. 299 of the Thirty-first Legislative Assembly.

Section 3. It is not the intent of this act to increase or reduce any of the original appropriations made by said House Bill No. 299, but to enable the above institutions to use the remaining balances in the original appropriations provided in said act.

Approved February 20, 1951.

HOUSE BILL NO. 260

An Act to Appropriate to the State Board of Examiners the Balances of Money Remaining in the Postwar Planning and Construction Reserve Fund on March 1, 1951, Out of the Appropriations Heretofore Made to Said Fund, of Which Not to Exceed Two Hundred Fifty Thousand Dollars ($250,000.00) Was Made Available for Architectural and Engineering Costs Under the Provisions of Section 8 of Chapter 148 of the Session Laws of Montana of 1945; Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring This Act to Be Valid Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, by the provisions of Section 8 of Chapter 148 of the Session Laws of Montana of 1945, there was appropriated to the postwar planning and construction reserve fund the sum of four million five hundred thousand dollars ($4,500,000.00), of which not to exceed two hundred fifty thousand dollars ($250,000.00) was made available for architectural and engineering costs, the exact amount of which cannot now be determined because of the fact that said architectural and engineering work is not yet completed, the

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cost thereof cannot now be ascertained, and payment thereof cannot now be made, and

WHEREAS, it has become and is now necessary that any and all balances of money remaining in said postwar planning and construction reserve fund on March 1, 1951, be appropriated to the state board of examiners for use during the period from March 1, 1951, to February 28, 1953, in carrying out the objects and purposes, including architectural and engineering costs, for which said fund was created, NOW, THEREFORE:

Section 1. There is hereby appropriated out of the postwar planning and construction reserve fund created by Chapter 148, Laws of Montana of 1945, all money not otherwise appropriated, including all earnings and income heretofore or hereafter accruing to said fund, to the state board of examiners for the period beginning March 1, 1951, and ending February 28, 1953, to be used by said board in carrying out the objects and purposes, including administrative expense of the postwar planning and construction commission, as enumerated in said Chapter 148, Laws of Montana of 1945, and House Bill No. 3, Laws of Montana of 1947, and thereafter reappropriated by House Bill No. 253 of the Laws of Montana of 1947 and reappropriated by House Bill No. 300 of the Laws of Montana of 1949.

Section 2. It is the intent and purpose of the legislative assembly to appropriate out of said postwar planning and construction reserve fund all of the balance in said fund remaining therein on March 1, 1951, together with all interest and income heretofore or hereafter accruing to said fund, to the state board of examiners for the objects and purposes enumerated in Chapter 148, Laws of Montana of 1945 and House Bill No. 3, Laws of Montana of 1947, and as thereafter reappropriated by House Bill No. 253 of the Laws of Montana of 1947, and reappropriated by House Bill No. 300 of the Laws of Montana of 1949.

Section 3. The appropriated balances hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall take effect immediately upon its passage and approval.

Approved February 20, 1951.

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HOUSE BILL NO. 262

An Act to Appropriate Money to Supplement the Appropriation for Montana State University Located at Missoula, Montana, for the State's Contribution to the Public Employees' Retirement System Fund Made in House Bill No. 447, Thirty-First Legislative Assembly, for the Period Beginning July 1, 1950, and Ending June 30, 1951, It Having Been Determined That Such Appropriation Is Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated to supplement the appropriation for Montana State University, located at Missoula, Montana, for the state's contribution to the public employees' retirement system fund made in House Bill No. 447, Thirty-first Legislative Assembly, for the period beginning July 1, 1950, and ending June 30, 1951, it having been determined that such appropriation is insufficient:

FROM THE UNIVERSITY MILLAGE FUND

For obligations incurred by Montana State University, located at Missoula, Montana, four thousand one hundred forty-nine dollars and seventy cents ($4,149.70) more particularly itemized as follows:

Public Employees' Retirement System $4,149.70

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1951.

HOUSE BILL NO. 284

An Act to Appropriate Money to Supplement the Appropriation for the Several Units of the University of Montana Known as Montana State University, Montana State College, Montana Agricultural Experiment Station, Montana School of Mines, Western Montana College of Education, Eastern Montana College of Education and Northern Montana College, for the State's Contribution to the Teachers' Retirement System Fund Made in House

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Bill No. 447, Thirty-First Legislative Assembly, for the Period Beginning July 1, 1950 and Ending June 30, 1951, It Having Been Determined That Such Appropriations Are Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated to supplement the appropriation for Montana State University, Montana State College, Montana Agricultural Experiment Station, Montana School of Mines, Western Montana College of Education, Eastern Montana College of Education and Northern Montana College, for the state's contribution to the teachers' retirement system fund made in House Bill No. 447, Thirty-first Legislative Assembly, for the period beginning July 1, 1950 and ending June 30, 1951, it having been determined that such appropriations are insufficient:

FROM THE UNIVERSITY MILLAGE FUND

For obligations incurred by Montana State University, located at Missoula, Montana, nine thousand seven hundred fifty-eight dollars and eighty cents ($9,758.80), more particularly itemized as follows:

Teachers' Retirement System ..... $ 9,758.80

For obligations incurred by Montana State College, located at Bozeman, Montana, thirteen thousand dollars ($13,000.00), more particularly itemized as follows:

Teachers' Retirement System $13,000.00

For obligations incurred by the Montana Agricultural Experiment Station, nine thousand dollars ($9,000.00), more particularly itemized as follows:

Teachers' Retirement System ..... $ 9,000.00

For obligations incurred by Montana School of Mines, located at Butte, Montana, four thousand dollars ($4,000.00), more particularly itemized as follows:

Teachers' Retirement System ..... $ 4,000.00

For obligations incurred by Western Montana College of Education, located at Dillon, Montana, two thousand four hundred dollars ($2,400.00), more particularly itemized as follows:

Teachers' Retirement System ..... $ 2,400.00

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For obligations incurred by Eastern Montana College of Education, located at Billings, Montana, two thousand eight hundred dollars ($2,800.00), more particularly itemized as follows:

Teachers' Retirement System ..... $ 2,800.00

For obligations incurred by Northern Montana College, located at Havre, Montana, two thousand five hundred dollars ($2,500.00), more particularly itemized as follows:

Teachers' Retirement System ..... $ 2,500.00

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1951.

HOUSE BILL NO. 285

An Act to Appropriate to the State Tuberculosis Sanitarium the Balances Remaining in Appropriations Heretofore Made by House Bill No. 147 and House Bill No. 443, Laws of 1949, for the Purpose of Building and Furnishing Certain Buildings in Connection with the Construction of a New Hospital Wing and for the Construction of a Wing for Indian Patients in Conjunction With an Appropriation Made by the Federal Government; Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring This Act to Be Valid Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, by virtue of House Bill No. 147, of the Laws of 1949, money was appropriated by the legislative assembly to supplement an appropriation authorized by the Congress of the United States to complete the construction of and equipping of a tuberculosis sanitarium at Galen, Deer Lodge county, Montana, for tuberculous Indians and appropriating therefor six hundred thousand dollars ($600,000.00) and

WHEREAS, by virtue of House Bill No. 443, Laws of 1949, money was appropriated by the legislative assembly for the tuberculosis sanitarium for construction and furnishing buildings as follows, to wit:

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For the construction and equipping of a kitchen, dining room and storage room, three hundred and fifty thousand dollars ($350,000.00); for a sewage disposal plant, ninety thousand dollars ($90,000.00); for furnishing of a new seventy-two (72) bed wing, eighty-six thousand four hundred dollars ($86,400.00); for the construction and furnishing of an apartment building for employees, one hundred and ten thousand dollars ($110,000.00); for professional services and contingencies, twenty-five thousand dollars ($25,000.00), and

WHEREAS, because of the variety of said work and the time necessary for its performance all of said appropriations could not be expended within aid two year period and it is, therefore, necessary that the balances remaining in said several appropriations be reappropriated and made available for the coming biennium in order to complete the work and buildings now under contract and construction, NOW, THEREFORE;

Section 1. There is hereby appropriated the balances remaining on June 30, 1951, in the several appropriations made under the provisions of House Bill No. 147, Laws of 1949, from the general fund for the construction of a tubercular Indian hospital at the tuberculosis sanitarium at Galen, Deer Lodge county, Montana, and appropriations made under the provisions of House Bill No. 443, for the tuberculosis sanitarium at Galen, Deer Lodge county, Montana, for the construction and equipping of a kitchen, dining room and storage room, construction of a sewage disposal plant, furnishing of a seventy-two bed wing, construction of an employees' apartment building and for professional services.

Section 2. The appropriated balance herein above provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used for the purposes provided in said House Bill No. 147 and House Bill No. 443, Laws of Montana of 1949.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1951.

HOUSE BILL NO. 287

An Act to Reappropriate from the General Fund Any Balance Remaining on March 7, 1951, in the Appropriation Made by Virtue of Chapter 206, Laws of 1949, for the Purpose of "To Design, Engineer, Construct, Erect, Furnish and Operate a Suitable Building

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or Buildings to Be Used as a Home for Senile Men and Women; Providing for the Acquisition of a Tract of Land to Be Used as a Site for Said Home."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Chapter 206, Laws of Montana, 1949, appropriated a sum of nine hundred thousand dollars ($900,000.00) "to design, engineer, construct, erect, furnish and operate a suitable building or buildings to be used as a home for senile men and women and to purchase land therefor," and authorized and empowered the board of examiners to select and purchase a site for said building or buildings to be used for a home for senile men and women, and further directed the board, after such site was selected and acquired, to proceed to have plans prepared, call for bids and enter into contracts for the construction of said building or buildings.

Section 2. The board of examiners proceeded under said authorization and contracts have been let and construction started, but owing to the volume of work involved it will be impossible to complete the project before the expiration of the two-year limitation on appropriations, or March 6, 1951.

Section 3. That any balance remaining of the appropriation of nine hundred thousand dollars ($900,000.00) appropriated by Chapter 206, Laws of Montana, 1949, for the construction of a home for senile men and women is hereby reappropriated for the purposes set forth in said Chapter 206, Laws of Montana, 1949.

Section 4. The appropriated balances hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1951.

HOUSE BILL NO. 386

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Thirty-Second Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches

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and for Incidental Expenses of the Thirty-Second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Thirty-second Legislative Assembly of the State of Montana,

Ten thousand dollars $10,000.00

For the payment of per diem to the officers and attaches of the Thirty-second Legislative Assembly of the State of Montana,

Twenty thousand dollars $20,000.00

For the payment of incidental expenses of the Thirty-second Legislative Assembly of the State of Montana,

Twenty-five thousand dollars $25,000.00

Section 2. The amounts appropriated herein are to be used for the purpose designated. However, if there is a surplus in any one item, it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased nor decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1951.

HOUSE BILL NO. 418

An Act Making Appropriations for the State Public School General Fund and Providing for the Manner of Distribution Thereof for the Period Beginning July 1, 1951, and Ending June 30, 1953.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated from the state treasury to the state public school general fund to be distributed in accordance with the provisions of the law, provided, however, that no part of such funds shall be distributed prior to December 2, 1951, for the period beginning July 1, 1951, and ending June 30, 1952, the following amount:

FROM THE GENERAL FUND

Four million six hundred sixty-five thousand dollars, $4,665,000.00

Section 2. That there is hereby appropriated from the state treasury for the state public school general fund to be distributed in accordance with the provisions of the law, for the period beginning July 1, 1952, and ending June 30, 1953, for the following amount:

FROM THE GENERAL FUND

Four million six hundred sixty-five thousand dollars, $4,665,000.00

Section 3. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 5, 1951.

HOUSE BILL NO. 434

An Act to Appropriate the Sum of Two Hundred Twenty-Five and 32/100 Dollars ($225.32) for the Purpose of Payment and Satisfaction of a Judgment Heretofore Rendered Against the Treasurer of the State of Montana in the District Court of Lewis and Clark County.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, in an action heretofore brought in the district court of Lewis & Clark county, State of Montana entitled: Stephens et al. vs. State Treasurer, case number 22298, judgment was rendered in favor of the plaintiff and against the defendant; and

WHEREAS, there is no appeal pending from said judgment but the same is final and remains unpaid and unsatisfied for the reason that there are no funds in the hands of the treasurer applicable to the payment thereof; and

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WHEREAS, there is now owing, due and unpaid upon said judgment the sum of two hundred twenty-five and 32/100 dollars ($225.32), NOW, THEREFORE, be it enacted:

Section 1. That from the public school permanent fund of the State of Montana not otherwise appropriated there be appropriated the sum of two hundred twenty-five and 32/100 dollars ($225.32) to be applied to the payment of said judgment.

Approved March 1, 1951.

HOUSE BILL NO. 450

An Act Appropriating Money from the General Fund for the Operation and Maintenance of the State Prison for the Year Ending June 30, 1951, the Appropriations Made Therefor by the Thirty-First and Thirty-Second Legislative Assemblies Having Been Found to Be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed, for the year ending June 30, 1951, the appropriations made by the Thirty-first and Thirty-second Legislative Assemblies having been found to be insufficient:

FROM THE GENERAL FUND

FOR THE STATE PRISON:

For salaries and expenses, one hundred twenty-eight thousand eight hundred nine dollars and nineteen cents, $128,809.19

For public employees' retirement system, one thousand four hundred sixty dollars ..... $ 1,460.00

For the purchase of one-half ton pickup automobile truck and a washer and tumbler for the prison laundry, five thousand dollars ..... $ 5,000.00

Section 2. The appropriations contained in this act are intended to provide only necessary expenditures for the year ending June 30, 1951. All claims for such expenditures must be presented for payment not later than thirty (30) days after June 30, 1951. Supplies purchased for the period succeeding June 30, 1951, are in vio-

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lation of this act. Any unexpended balances from the appropriations hereby made remaining on hand on June 30, 1951, shall revert to the general fund.

Section 3. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

HOUSE BILL NO. 451

An Act to Appropriate Money Out of the Common School Permanent Fund for the Purpose of Reimbursing the Heir of the Estate of Bridget J. Destiche Whose Estate Escheated to the Common School Permanent Fund Account and Should Be Paid to the Heir as Established by the Judgment of the District Court Distributing Such Estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the common school permanent fund of the State of Montana the sum of three thousand nine hundred sixty-two dollars and ninety-four cents ($3,962.94), not otherwise appropriated, for the purpose of distributing the escheated estate of Bridget J. Destiche to the heir of said estate as established by the judgment of the district court distributing said estate.

Section 2. In the making of the distribution of funds hereby appropriated, the amount of inheritance tax due the State of Montana from such estate shall be determined and paid prior to the distribution.

Section 3. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

HOUSE BILL NO. 452

An Act to Appropriate Money Out of the Common School Perma-

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nent Fund for the Purpose of Reimbursing the Heir of the Estate of Jack McLennan Whose Estate Escheated to the Common School Permanent Fund Account and Should Be Paid to the Heir as Established by the Judgment of the District Court Distributing Such Estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the common school permanent fund of the State of Montana the sum of five hundred twenty-six dollars and eighty-four cents ($526.84), not otherwise appropriated, for the purpose of distributing the escheated estate of Jack McLennan to the heir of said estate as established by the judgment of the district court distributing said estate.

Section 2. In the making of the distribution of funds hereby appropriated, the amount of inheritance tax due the State of Montana from such estate shall be determined and paid prior to the distribution.

Section 3. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1951.

HOUSE BILL NO. 454

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1951, and Ending June 30, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees, or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It

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does not mean wages or compensation paid in consideration of services rendered temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacement" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the Laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be

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found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1951, and ending June 30, 1952.

GOVERNOR'S OFFICE

From the general fund:

For salaries, nineteen thousand five hundred dollars $19,500.00

For capital, repairs and replacements, seven hundred dollars .....$ 700.00

For operation, five thousand six hundred twenty-three dollars and fifty cents .....$ 5,623.50

For public employees' retirement system, five hundred ninety dollars .....$ 590.00

For requisitions, six thousand five hundred dollars .....$ 6,500.00

GOVERNOR'S MANSION OR HOME

From the general fund:

For salaries and expenses, seven thousand seven hundred thirty-five dollars .....$ 7,735.00

For repairs and replacements, one thousand nine hundred forty dollars .....$ 1,940.00

SECRETARY OF STATE

From the general fund:

For salaries, twenty-four thousand eight hundred fifty-two dollars $24,852.00

For capital, repairs and replacements, seven hundred sixty dollars .....$ 760.00

For operation, five thousand two hundred thirty dollars $ 5,230.00

For salaries and expenses necessary for the conduct of elections, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, three thousand five hundred twenty-five dollars .....$ 3,525.00

For public employees' retirement system, nine hundred dollars .....$ 900.00

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ATTORNEY GENERAL

From the general fund:

For salaries, forty thousand dollars $40,000.00

For capital, repairs and replacements, one thousand one hundred sixty dollars ..... $ 1,160.00

For operation, seven thousand five hundred ninety dollars ..... $ 7,590.00

For salaries and expenses, escheated estates, five thousand dollars ..... $ 5,000.00

For public employees' retirement system, one thousand four hundred forty dollars ..... $ 1,440.00

STATE TREASURER

From the general fund:

For salaries, twenty-one thousand two hundred seventy-eight dollars $21,278.00

For capital, repairs and replacements, one thousand three hundred fifty dollars ..... $ 1,350.00

For operation, two thousand three hundred eight dollars ..... $ 2,308.00

For public employees' retirement system, seven hundred seventy-five dollars ..... $ 775.00

STATE AUDITOR

Auditor's Division

From the general fund:

For salaries, twenty-one thousand six hundred dollars $21,600.00

For capital, repairs and replacements, one thousand one hundred twenty-five dollars ..... $ 1,125.00

For operation, two thousand nine hundred five dollars, $ 2,905.00

For public employees' retirement system, two thousand three hundred dollars ..... $ 2,300.00

From the highway fund:

For salaries, six thousand dollars ..... $ 6,000.00

For operation, two thousand dollars ..... $ 2,000.00

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Insurance Department

From the general fund:

For salaries, nineteen thousand two hundred sixty dollars $19,260.00

For capital, repairs and replacements, one hundred twenty-five dollars ..... $ 125.00

For operation, seven thousand six hundred dollars ..... $ 7,600.00

Insurance rating

From the general fund:

For salaries and expenses, five thousand five hundred dollars ..... $ 5,500.00

Investment Commissioner

From the general fund:

For salaries, six thousand three hundred dollars ..... $ 6,300.00

For operation, six hundred seventy-five dollars ..... $ 675.00

Fire Marshal Division

From the general fund:

For salaries and expenses, thirteen thousand nine hundred ninety dollars $13,990.00

From the firemen's disability fund:

For the payment of the distribution of the firemen's disability fund, as provided in Section 11-1919 of the Revised Codes of Montana, 1947, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

From the general fund:

For salaries, twenty-two thousand nine hundred seventy dollars $22,970.00

For capital, repairs and replacements, seven hundred dollars ..... $ 700.00

For operation, eleven thousand three hundred dollars $11,300.00

For public employees' retirement system, six hundred dollars ..... $ 600.00

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For teachers' retirement, six hundred seventy-five dollars ..... $ 675.00

School Supervisors

From the general fund:

For salaries, twelve thousand two hundred dollars $12,200.00

For travel, three thousand dollars ..... $ 3,000.00

For teachers' retirement, five hundred thirty-six dollars ..... $ 536.00

Supervised Correspondence School

From the public school equalization fund:

For salaries and expenses, thirty-five thousand dollars .. $35,000.00

For public employees' retirement system, one hundred twenty-five dollars ..... $ 125.00

For teachers' retirement, seven hundred fifty dollars .... $ 750.00

For capital, repairs and replacements, three hundred fifty dollars ..... $ 350.00

School Lunch Program

From the public school equalization fund:

For salaries and expenses, fourteen thousand four hundred fifty-five dollars $14,455.00

For public employees' retirement system, four hundred dollars ..... $ 400.00

For capital, repairs and replacements, one hundred seventy-five dollars ..... $ 175.00

For a revolving fund for the biennium to cover handling charges of commodities to districts, to be reimbursed by such districts, three thousand dollars ..... $ 3,000.00

Certification Department

From the general fund:

For salaries and expenses, two thousand five hundred dollars ..... $ 2,500.00

From the teachers' certificate fund:

As much as may be necessary to pay all lawful claims, as provided by law.

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Community Health Division

From the community health fund:

As much as may be necessary to pay all lawful claims, as provided by law.

Text Book License Division

From the text book license fund:

As much as may be necessary to pay all lawful claims, as provided by law.

SUPREME COURT

From the general fund:

For salaries, sixty-six thousand seven hundred dollars ..$66,700.00

For capital, repairs and replacements, seven hundred forty-five dollars .....$ 745.00

For operation, nine thousand one hundred ten dollars ..$ 9,110.00

For public employee's retirement system, one thousand nine hundred dollars .....$ 1,900.00

Attorneys' Licensing Board

From attorneys' licensing fund:

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

From the general fund:

For salaries, seventy-three thousand four hundred dollars $73,400.00

For capital, repairs and replacements, five hundred fifty dollars .....$ 550.00

For operation, twenty-four thousand nine hundred eighty dollars $24,980.00

For public employees' retirement system, two thousand six hundred forty-five dollars .....$ 2,645.00

For pleading interstate commerce commission and court expense, one thousand five hundred dollars .....$ 1,500.00

Section 3. That the following sums, or so much thereof as may be

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found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1952, and ending June 30, 1953.

GOVERNOR'S OFFICE

From the general fund:

For salaries, twenty thousand seven hundred dollars $20,700.00

For capital, repairs and replacements, two hundred fifty dollars .....$ 250.00

For operation, five thousand six hundred twenty-three dollars and fifty cents .....$ 5,623.50

For public employees' retirement system, five hundred ninety dollars .....$ 590.00

For requisitions, six thousand five hundred dollars .....$ 6,500.00

GOVERNOR'S MANSION OR HOME

From the general fund:

For salaries and expenses, seven thousand six hundred ninety dollars .....$ 7,690.00

For capital, repairs and replacements, three hundred forty dollars .....$ 340.00

SECRETARY OF STATE

From the general fund:

For salaries, twenty-five thousand five hundred and two dollars $25,502.00

For capital, repairs and replacements, two hundred thirty-five dollars .....$ 235.00

For operation, three thousand and five dollars .....$ 3,005.00

For salaries and expenses necessary for the conduct of elections, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, fifteen thousand twenty-five dollars $15,025.00

For public employees' retirement system, nine hundred twenty dollars .....$ 920.00

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ATTORNEY GENERAL

From the general fund:

For salaries, forty-one thousand five hundred dollars ..$41,500.00

For capital, repairs and replacements, six hundred sixty dollars .....$ 660.00

For operation, six thousand two hundred ninety dollars ..$ 6,290.00

For salaries and expenses, escheated estates, five thousand dollars .....$ 5,000.00

For public employees' retirement system, one thousand four hundred seventy-five dollars .....$ 1,475.00

STATE TREASURER

From the general fund:

For salaries, twenty-one thousand two hundred seventy-eight dollars $21,278.00

For capital, repairs and replacements, four hundred seventy dollars .....$ 470.00

For operation, two thousand three hundred and three dollars .....$ 2,303.00

For public employees' retirement system, seven hundred seventy-five dollars .....$ 775.00

STATE AUDITOR

Auditor's Division

From the general fund:

For salaries, twenty-two thousand three hundred dollars $22,300.00

For capital, repairs and replacements, five hundred fifty-five dollars .....$ 555.00

For operation, five thousand seven hundred and five dollars .....$ 5,705.00

For public employees' retirement system, two thousand three hundred dollars .....$ 2,300.00

From the highway fund:

For salaries, six thousand dollars .....$ 6,000.00

For operation, two thousand dollars .....$ 2,000.00

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Insurance Department

From the general fund:

For salaries, nineteen thousand two hundred sixty dollars $19,260.00

For capital, repairs and replacements, one hundred dollars ..... $ 100.00

For operation, five thousand one hundred dollars ..... $ 5,100.00

Insurance Rating

From the general fund:

For salaries and expenses, five thousand five hundred dollars ..... $ 5,500.00

Investment Commissioner

From the general fund:

For salaries, six thousand three hundred dollars ..... $ 6,300.00

For operation, three hundred twenty-five dollars ..... $ 325.00

Fire Marshal Division

From the general fund:

For salaries and expenses, eleven thousand eight hundred ninety dollars $11,890.00

From the Firemen's Disability Fund

For the payment of the distribution of the firemen's disability fund, as provided in Section 11-1919 of the Revised Codes of Montana, 1947, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

From the general fund:

For salaries, twenty-three thousand eight hundred seventy dollars $23,870.00

For capital, repairs and replacements, seven hundred dollars ..... $ 700.00

For operation, eleven thousand three hundred dollars $11,300.00

For public employees' retirement system, six hundred dollars ..... $ 600.00

For teachers' retirement, six hundred seventy-five dollars $ 675.00

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School Supervisors

From the general fund:

For salaries, twelve thousand two hundred dollars $12,200.00

For travel, three thousand dollars .....$ 3,000.00

For teachers' retirement, five hundred thirty-six dollars .....$ 536.00

Supervised Correspondence School

From the public school equalization fund:

For salaries and expenses, thirty-five thousand dollars, $35,000.00

For public employees' retirement system, one hundred twenty-five dollars .....$ 125.00

For teachers' retirement, seven hundred fifty dollars ..$ 750.00

School Lunch Program

From the public school equalization fund:

For salaries and expenses, fourteen thousand four hundred fifty-five dollars $14,455.00

For public employees' retirement system, four hundred dollars .....$ 400.00

For capital, repairs and replacements, one hundred seventy-five dollars .....$ 175.00

Certification Department

From the general fund:

For salaries and expenses, two thousand five hundred dollars .....$ 2,500.00

From the teachers' certificate fund:

As much as may be necessary to pay all lawful claims, as provided by law.

Community Health Division

From the community health fund:

As much as may be necessary to pay all lawful claims, as provided by law.

Text Book License Division

From the text book license fund:

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As much as may be necessary to pay all lawful claims, as provided by law.

SUPREME COURT

From the general fund:

For salaries, sixty-eight thousand four hundred fifty dollars $68,450.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, five thousand eight hundred sixty dollars ..... $ 5,860.00

For public employees' retirement system, one thousand nine hundred dollars ..... $ 1,900.00

Attorneys' Licensing Board

From attorneys' licensing fund:

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

From the general fund:

For salaries, seventy-three thousand nine hundred dollars $73,900.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, twenty-five thousand seven hundred eighty dollars $25,780.00

For public employees' retirement system, two thousand six hundred ninety dollars ..... $ 2,690.00

For pleading interstate commerce commission and court expense, one thousand dollars ..... $ 1,000.00

Section 4. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and wherein appropriations are made for subdivisions, the appropriations given are not interchangeable between divisions, and the definitions given in Section 1 of the act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for

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travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

Approved March 5, 1951.

HOUSE BILL NO. 455

An Act to Appropriate Money for the Purpose of Paying Expenses, as Designated Herein, for the Superintendent of Public Instruction, Board of Education, Transportation of Prisoners, Library Extension Commission, State Forester, Governor's Office and State Accountant and Budget Office for the Remainder of the Current Fiscal Year Ending June 30, 1951, It Having Been Determined that the Appropriations Made Therefor by the Thirty-First Legislative Assembly were Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current biennium ending June 30, 1951:

SUPERINTENDENT OF PUBLIC INSTRUCTION

From the general fund:

For public employees' retirement system, two hundred dollars ..... $ 200.00

For teachers' retirement, sixty dollars ..... $ 60.00

BOARD OF EDUCATION

From the general fund:

For expenses, eight hundred dollars ..... $ 800.00

TRANSPORTATION OF PRISONERS

From the general fund:

For transporting prisoners, ten thousand dollars $10,000.00

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LIBRARY EXTENSION COMMISSION

From the general fund:

For expenses, five hundred dollars ..... $ 500.00

STATE FORESTER

From the general fund:

For operation, seven thousand five hundred thirty-five dollars and fifty cents ..... $ 7,535.50

For public employees' retirement system, three thousand three hundred dollars ..... $ 3,300.00

GOVERNOR'S OFFICE

From the general fund:

For operation, two thousand five hundred thirteen dollars ..... $ 2,513.00

STATE ACCOUNTANT AND BUDGET OFFICE

From the general fund:

For operation, three thousand one hundred fifty-three dollars and thirty-four cents ..... $ 3,153.34

Section 2. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

HOUSE BILL NO. 456

An Act to Appropriate Money for the State Department of Public Welfare of the State of Montana to Reimburse the Said Department for Moneys Advanced from Its General Relief and Contingencies Account for Aid to the Permanently and Totally Disabled and for Medical Examinations for the Period Beginning October 1, 1950, and Ending January 31, 1951, and to Appropriate Money for the Said State Department of Public Welfare of the State of Montana for Aid to the Permanently and Totally Disabled and for Medical Examinations for the Period Beginning February 1, 1951, and Ending June 30, 1951.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums be, and the same are hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed.

THE STATE DEPARTMENT OF PUBLIC WELFARE

(a) To reimburse the said department for moneys advanced from its general relief and contingencies account for aid to the permanently and totally disabled and for medical examinations for the period beginning October 1, 1950, and ending January 31, 1951, the sum of seven thousand five hundred dollars ..... $ 7,500.00

(b) For aid to the permanently and totally disabled and for medical examinations for the period beginning February 1, 1951, and ending June 30, 1951, the sum of forty-one thousand seven hundred fifty dollars $41,750.00

Section 2. In addition to the foregoing appropriations, there is hereby appropriated all funds which may be received from counties as reimbursements of moneys advanced by the state department of public welfare for aid to the permanently and totally disabled.

Section 3. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose, may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except no part thereof shall be transferred to administrative costs.

Section 4. The appropriations hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

HOUSE BILL NO. 457

An Act to Appropriate Supplementary Money for the State Department of Public Welfare of the State of Montana for the Fiscal Year Ending June 30, 1951 to Enable the Said Department to Discharge Its Obligation to Provide Payments for Old Age Assistance, Aid to Dependent Children and Aid to Needy Blind in an Amount

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Sufficient to Provide Each Person or Family With a Reasonable Subsistence Compatible With Decency and Health, and to Provide Additional Funds for General Relief and Contingencies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum be, and the same is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed.

THE STATE DEPARTMENT OF PUBLIC WELFARE

Supplementary moneys to enable the said department to discharge its obligation to provide payments for old age assistance, aid to dependent children and aid to needy blind in an amount sufficient to provide each person or famliy with a reasonable subsistence compatible with decency and health, and to provide additional funds for general relief and contingencies for the fiscal year ending June 30, 1951, the sum of four hundred twenty-five thousand dollars $425,000.00

Section 2. It is the intent of this act that the appropriation contained herein for the state department of public welfare, is additional to the appropriations provided by the Thirty-first Legislative Assembly, and the appropriation contained herein shall become part of the original appropriations and operative under the same laws as said original appropriations which were provided by the Thirty-first Legislative Assembly.

Section 3. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

HOUSE BILL NO. 458

An Act to Appropriate Money from the General Fund for the Support and Maintenance of Certain Institutions for the Year Ending June 30, 1951, the Appropriation Made by the Thirty-First Legislative Assembly Having Been Found to Be Insufficient.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed, for the year ending June 30, 1951, the appropriation made by the Thirty-first Legislative Assembly having been found to be insufficient:

STATE VOCATIONAL SCHOOL FOR GIRLS

From the general fund:

For salaries and expenses, thirty-one thousand dollars $31,000.00

STATE ORPHANS' HOME

From the general fund:

For salaries and expenses, seven thousand seven hundred twenty-nine dollars .....$ 7,729.00

STATE TRAINING SCHOOL

From the general fund:

For salaries and expenses, eighteen thousand four hundred twenty-seven dollars and thirty cents $18,427.30

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

HOUSE BILL NO. 459

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1951 and Ending June 30, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

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(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be

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used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1951 and ending June 30, 1952.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

From the general fund:

For salaries, one hundred four thousand four hundred sixty dollars $104,460.00

For expenses, forty-three thousand dollars ..... $ 43,000.00

For poultry disease control, four thousand six hundred dollars ..... $ 4,600.00

For public employees' retirement system, three thousand seven hundred dollars ..... $ 3,700.00

From the livestock sanitary board fund:

For payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

From the livestock sanitary board emergency fund:

For payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in Section 84-5211, Revised Codes of Montana, 1947.

LIVESTOCK COMMISSION

From the general fund:

For salaries and expenses, twenty-five thousand dollars ..... $ 25,000.00

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For predatory animal control, thirty thousand dollars ..$ 30,000.00

For noxious rodent control, twenty thousand dollars ....$ 20,000.00

From the livestock commission fund:

As much as may be necessary to pay all lawful claims, as provided by law.

From the bounty fund:

For the payment of bounty claims, so much thereof as may be necessary, as provided by law.

From the stock estray fund:

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

BUREAU OF VOCATIONAL REHABILITATION

From the general fund:

For expenses, exclusive of salaries and administration, fifty-three thousand dollars .....$ 53,000.00

In addition thereto, there is hereby appropriated all moneys received from the federal government for vocational rehabilitation; provided, however, that no administrative salaries shall be increased from the date of approval of this act until the end of the biennium, to-wit: June 30, 1953.

ADJUTANT GENERAL

From the general fund:

For salaries, twenty-five thousand five hundred fifty-five dollars .....$ 25,555.00

For capital, repairs and replacements, one thousand six hundred fifty dollars .....$ 1,650.00

For operation, ninety thousand five hundred ninety dollars .....$ 90,590.00

For public employees' retirement system, one thousand three hundred ten dollars .....$ 1,310.00

BOARD OF HAIL INSURANCE

From the hail insurance administrative fund:

For salaries, sixteen thousand five hundred dollars .....$ 16,500.00

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For expenses, thirteen thousand two hundred thirty-four dollars ..... $ 13,234.00

For public employees' retirement system, two hundred ninety-one dollars ..... $ 291.00

From the hail insurance fund:

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

INDUSTRIAL ACCIDENT BOARD

From the general fund:

For salary of chairman, five thousand dollars ..... $ 5,000.00

For salaries of others, forty thousand eight hundred dollars ..... $ 40,800.00

For operation, thirty-four thousand eight hundred ten dollars ..... $ 34,810.00

For public employees' retirement system, three thousand three hundred seventy-six dollars and eighty cents .... $ 3,376.80

For capital, repairs and replacements, four thousand dollars ..... $ 4,000.00

From the industrial accident administrative fund:

In addition to the above appropriation, there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses, as provided by law.

From the industrial accident fund:

So much thereof as may be necessary to pay all lawful claims, as provided by law.

From the volunteer firemen's compensation fund:

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary, as provided by law.

STATE LAW LIBRARY

From the general fund:

For salaries, six thousand dollars ..... $ 6,000.00

For capital, repairs and replacements, six hundred dollars ..... $ 600.00

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For operation, four hundred ten dollars ..... $ 410.00

For legislative reference bureau, seventy-five dollars .. $ 75.00

For public employees' retirement system, two hundred twenty-five dollars ..... $ 225 00

From the law library book fund:

So much thereof as may be necessary for the purchase of law books, as provided by law.

COMMISSIONER OF STATE LANDS AND INVESTMENTS

From the general fund:

For salary of commissioner, five thousand dollars ..... $ 5,000.00

For salaries of office employees, thirty thousand dollars ..... $ 30,000.00

For operation, four thousand dollars ..... $ 4,000.00

For public employees' retirement system, one thousand two hundred sixty dollars ..... $ 1,260.00

For capital, repairs and replacements, five hundred dollars ..... $ 500.00

Chief Field Agent

From the general fund:

For salary, chief field agent, four thousand five hundred dollars ..... $ 4,500.00

For salary of deputies, sixteen thousand five hundred dollars ..... $ 16,500.00

For salaries of office employees, eight thousand one hundred dollars ..... $ 8,100.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, sixteen thousand sixty-five dollars ..... $ 16,065.00

For public employees' retirement system, one thousand thirty-six dollars ..... $ 1,036.00

CAPITOL BUILDING

From the general fund:

For salaries, forty-nine thousand one hundred fifty dollars ..... $ 49,150.00

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For salary of postmaster and assistant, five thousand dollars ..... $ 5,000.00

For operation, seventeen thousand two hundred thirty-five dollars ..... $ 17,235.00

For capital, repairs and replacements, eleven thousand dollars ..... $ 11,000.00

For public employees' retirement system, one thousand two hundred fifty dollars ..... $ 1,250.00

DEPARTMENT OF AGRICULTURE

From the general fund:

For salaries, nine thousand dollars ..... $ 9,000.00

For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operation, twelve thousand eight hundred fifty dollars ..... $ 12,850.00

For public employees' retirement system, nine thousand two hundred dollars ..... $ 9,200.00

Dairy Division

From the general fund:

For salaries, twenty-three thousand five hundred dollars ..... $ 23,500.00

For operation, eleven thousand ten dollars ..... $ 11,010.00

For capital, repairs and replacements, seven hundred fifty dollars ..... $ 750.00

Rust Control Division

From the general fund:

For salaries and expenses, five thousand dollars ..... $ 5,000.00

Grain Grading and Scale Testing Division

From the general fund:

For salaries, seventy-nine thousand five hundred dollars ..... $ 79,500.00

For operation, thirty-two thousand five hundred dollars ..... $ 32,500.00

For capital, repairs and replacements, seven thousand nine hundred dollars ..... $ 7,900.00

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Horticulture Division

From the general fund:

For salaries, seventy-three thousand one hundred dollars ..... $ 73,100.00

For operation, twenty thousand dollars ..... $ 20,000.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

From the highway fund:

For operation, six thousand dollars ..... $ 6,000.00

Real Estate Division

From the general fund:

For salaries and expenses, three thousand eight hundred twenty dollars ..... $ 3,820.00

Commercial Fertilizer Division

From the general fund:

For salaries and expenses, eight hundred thirty-five dollars ..... $ 835.00

Commercial Feed Division

From the commercial feed fund:

As much as may be necessary to carry out the provisions of the law under which this fund was established.

DEPARTMENT OF LABOR AND INDUSTRY

From the general fund:

For salary of commissioner, four thousand dollars ..... $ 4,000.00

For salaries of other employees, seven thousand five hundred twenty-five dollars ..... $ 7,525.00

For operation, three thousand three hundred twenty-five dollars ..... $ 3,325.00

For public employees' retirement system, four hundred fifteen dollars ..... $ 415.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of

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any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1952 and ending June 30, 1953.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

From the general fund:

For salaries, one hundred four thousand four hundred sixty dollars $104,460.00

For expenses, forty-three thousand dollars ..... $ 43,000.00

For poultry disease control, four thousand six hundred dollars ..... $ 4,600.00

For public employees' retirement system, three thousand seven hundred dollars ..... $ 3,700.00

From the livestock sanitary board fund:

For payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

From the livestock sanitary board emergency fund:

For payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in Section 84-5211, Revised Codes of Montana, 1947.

LIVESTOCK COMMISSION

From the general fund:

For salaries and expenses, twenty-five thousand dollars ..... $ 25,000.00

For predatory animal control, thirty thousand dollars .. $ 30,000.00

For noxious rodent control, twenty thousand dollars .... $ 20,000.00

From the livestock commission fund:

As much as may be necessary to pay all lawful claims, as provided by law.

From the bounty fund:

For the payment of bounty claims, so much thereof as may be necessary, as provided by law.

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From the stock estray fund:

For the payment of estray claims, so much as may be necessary, as provided by law.

BUREAU OF VOCATIONAL REHABILITATION

From the general fund:

For expenses, exclusive of salaries and administration, fifty-three thousand dollars ..... $ 53,000.00

In addition thereto, there is hereby appropriated all moneys received from the federal government for vocational rehabilitation; provided, however, that no administrative salaries shall be increased from the date of approval of this act until the end of the biennium, to-wit: June 30, 1953.

ADJUTANT GENERAL

From the general fund:

For salaries, twenty-five thousand five hundred fifty-five dollars ..... $ 25,555.00

For capital, repairs and replacements, four hundred fifty dollars ..... $ 450.00

For operation, ninety thousand three hundred sixty-five dollars ..... $ 90,365.00

For public employees' retirement system, one thousand three hundred ten dollars ..... $ 1,310.00

BOARD OF HAIL INSURANCE

From the hail insurance administrative fund:

For salaries, sixteen thousand five hundred dollars ..... $ 16,500.00

For expenses, thirteen thousand two hundred thirty-four dollars ..... $ 13,234.00

For public employees' retirement system, two hundred ninety-one dollars ..... $ 291.00

From the hail insurance fund:

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

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INDUSTRIAL ACCIDENT BOARD

From the general fund:

For salary of chairman, five thousand dollars ..... $ 5,000.00

For salaries of others, forty thousand eight hundred dollars ..... $ 40,800.00

For operation, thirty-four thousand eight hundred ten dollars ..... $ 34,810.00

For public employees' retirement system, three thousand three hundred seventy-six dollars and eighty cents $ 3,376.80

For capital, repairs and replacements, one thousand two hundred dollars ..... $ 1,200.00

From the industrial accident administrative fund:

In addition to the above appropriation, there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses, as provided by law.

From the industrial accident fund:

So much thereof as may be necessary to pay all lawful claims, as provided by law.

From the volunteer firemen's compensation fund:

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary, as provided by law.

STATE LAW LIBRARY

From the general fund:

For salaries, six thousand dollars ..... $ 6,000.00

For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operation, two hundred eighty-five dollars ..... $ 285.00

For legislative reference bureau, seventy-five dollars .. $ 75.00

For public employees' retirement system, two hundred twenty-five dollars ..... $ 225.00

From the law library book fund:

So much thereof as may be necessary for the purchase of law books, as provided by law.

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COMMISSIONER OF STATE LANDS AND INVESTMENTS

From the general fund:

For salary of commissioner, five thousand dollars ..... $ 5,000.00

For salaries of others, thirty thousand dollars ..... $ 30,000.00

For capital, repairs and replacements, five hundred dollars ..... $ 500.00

For operation, four thousand dollars ..... $ 4,000.00

For public employees' retirement system, one thousand two hundred sixty dollars ..... $ 1,260.00

Chief Field Agent

From the general fund:

For salary, chief field agent, four thousand five hundred dollars ..... $ 4,500.00

For salaries of deputies, sixteen thousand five hundred dollars ..... $ 16,500.00

For salaries of office employees, eight thousand four hundred dollars ..... $ 8,400.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, sixteen thousand sixty-five dollars ..... $ 16,065.00

For public employees' retirement system, one thousand thirty-six dollars ..... $ 1,036.00

CAPITOL BUILDING

From the general fund:

For salaries, forty-nine thousand one hundred fifty dollars ..... $ 49,150.00

For salary of postmaster and assistant, five thousand dollars ..... $ 5,000.00

For operation, seventeen thousand two hundred thirty-five dollars ..... $ 17,235.00

For capital, repairs and replacements, six thousand dollars ..... $ 6,000.00

For public employees' retirement system, one thousand two hundred fifty dollars ..... $ 1,250.00

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DEPARTMENT OF AGRICULTURE

From the general fund:

For salaries, nine thousand dollars ..... $ 9,000.00

For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operation, twelve thousand eight hundred fifty dollars ..... $ 12,850.00

Dairy Division

From the general fund:

For salaries, twenty-three thousand five hundred dollars ..... $ 23,500.00

For operation, eleven thousand ten dollars ..... $ 11,010.00

For capital, repairs and replacements, seven hundred fifty dollars ..... $ 750.00

Rust Control Division

From the general fund:

For salaries and expenses, five thousand dollars ..... $ 5,000.00

Grain Grading and Scale Testing Division

From the general fund:

For salaries, seventy-nine thousand five hundred dollars ..... $ 79,500.00

For operation, thirty-two thousand five hundred dollars ..... $ 32,500.00

For capital, repairs and replacements, seven thousand three hundred dollars ..... $ 7,300.00

Horticulture Division

From the general fund:

For salaries, seventy-three thousand one hundred dollars ..... $ 73,100.00

For operation, twenty thousand dollars ..... $ 20,000.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

From the highway fund:

For operation, six thousand dollars ..... $ 6,000.00

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Real Estate Division

From the general fund:

For salaries and expenses, three thousand eight hundred twenty dollars ..... $ 3,820.00

Commercial Fertilizer Division

From the general fund:

For salaries and expenses, eight hundred thirty-five dollars ..... $ 835.00

Commercial Feed Division

From the commercial feed fund:

As much as may be necessary to carry out the provisions of the law under which this fund was established.

DEPARTMENT OF LABOR AND INDUSTRY

From the general fund:

For salary of commissioner, four thousand dollars ..... $ 4,000.00

For salaries of other employees, seven thousand five hundred twenty-five dollars ..... $ 7,525.00

For operation, three thousand three hundred twenty-five dollars ..... $ 3,325.00

For public employees' retirement system, four hundred fifteen dollars ..... $ 415.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to moneys from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Approved March 5, 1951.

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HOUSE BILL NO. 460

An Act to Appropriate Money for the Operation and Maintenance and for Other Purposes Designated Herein for the Several Units of the University of Montana, Known as Montana State University, Montana State College, Experiment Station and Substations, Extension Service, Montana School of Mines, Western Montana College of Education at Dillon, Eastern Montana College of Education at Billings, and Northern Montana College at Havre, and for Student Fare Refunds for the Period Beginning July 1, 1951, and Ending June 30, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, in-

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cluding salaries, capital repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the Laws of Montana said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1951, and ending June 30, 1952.

FOR THE MONTANA STATE UNIVERSITY AT MISSOULA

From the university millage fund:

For salaries and expenses, eight hundred forty-two thousand three hundred and four dollars $842,304.00

For salaries and expenses for the forest conservation experiment station, twelve thousand two hundred and eighty-one dollars ..... $ 12,281.00

For state's contribution to the teachers' retirement fund as may be necessary, not exceeding thirty-six thousand dollars ..... $ 36,000.00

For state's contribution to the public employees' retirement system as much as may be necessary, not exceeding eleven thousand dollars ..... $ 11,000.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections one hundred and eighty-five thousand dollars $185,000.00

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provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the univesrity millage fund), five hundred eighty-eight thousand one hundred six dollars $588,106.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal funds received or to be received are hereby appropriated for the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition all balances on hand to be used for the purposes for which such funds were accumulated or given.

FOR THE MONTANA STATE COLLEGE AT BOZEMAN

From the university millage fund:

For salaries and expenses, seven hundred twenty-one thousand one hundred and thirty-three dollars $721,133.00

For salaries and expenses of the engineering experiment station, ten thousand five hundred dollars ..... $ 10,500.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding thirty-five thousand dollars ..... $ 35,000.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding fifteen thousand dollars ..... $ 15,000.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred seventy-five thousand dollars $175,000.00
provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the

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amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), five hundred three thousand nine hundred sixty-three dollars $503,963.00

In addition to the foregoing appropriations, there is hereby appropriated for the use of the Montana State College, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

FOR THE MONTANA AGRICULTURAL EXPERIMENT STATION

From the university millage fund:

For salaries and expenses, one hundred sixty-nine thousand nine hundred and sixty-nine dollars $169,969.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding nine thousand four hundred and twenty-five dollars .....$ 9,425.00

For state's contribution to the public employees's retirement system, as much as may be necessary, not exceeding six thousand seven hundred and eight dollars ....$ 6,708.00

All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana Agricultural Experiment Station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana Agricultural Experiment Station, all federal funds and also all trust funds.

From the general fund:

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the

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university millage fund), one hundred eighteen thousand eight hundred seventy-one dollars $118,871.00

FOR THE EXPERIMENTAL SUBSTATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

From the university millage fund:

For salaries and expenses for each of the following substations and branches:

Central Montana Branch Station, twenty-one thousand one hundred and twenty-two dollars ..... $ 21,122.00

Horticulture Branch Station, fifteen thousand three hundred and seventy-five dollars ..... $ 15,375.00

Huntley Branch Station, thirty thousand five hundred and fifty-three dollars ..... $ 30,553.00

North Montana Branch Station, thirty-five thousand four hundred and fourteen dollars ..... $ 35,414.00

Northwestern Montana Branch Station, thirteen thousand four hundred and twenty-four dollars ..... $ 13,424.00

U. S. Range Livestock Experiment Station, four thousand six hundred and eighty-three dollars ..... $ 4,683.00

In addition to the above appropriations, there is hereby appropriated for salaries and expenses for each of the following substations and branches:

Eastern Montana Branch Station, fifteen thousand seven hundred and twenty-six dollars ..... $ 15,726.00

Montana Grain Inspection Laboratory, twelve thousand two hundred and ninety-five dollars ..... $ 12,295.00

Montana Wool Laboratory, sixteen thousand and seven dollars ..... $ 16,007.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding two thousand eight hundred and ninety-five dollars ..... $ 2,895.00

For state's contribution to public employees' retirement system, as much as may be necessary, not exceeding five thousand dollars ..... $ 5,000.00

In addition to the above appropriations, all moneys collected by several branches and substations shall be set aside, each in a trust fund and are hereby appropriated

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as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the substations or branch stations.

FOR THE AGRICULTURAL EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

From the university millage fund:

For salaries and expenses, one hundred sixty-five thousand four hundred fifty-three dollars $165,453.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding one thousand five hundred dollars ..... $ 1,500.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding two thousand five hundred dollars ..... $ 2,500.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, eight thousand five hundred dollars ..... $ 8,500.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), one hundred two thousand three hundred and fifty-six dollars $102,356.00

In addition to the above appropriations, there is hereby also appropriated for the extension service all federal funds and all trust funds.

FOR THE MONTANA SCHOOL OF MINES AT BUTTE

From the university millage fund:

For salaries and expenses, one hundred twenty-eight thousand two hundred and two dollars $128,202.00

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For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding six thousand dollars ..... $ 6,000.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding three thousand dollars ..... $ 3,000.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated for salaries and expenses, in lieu of fees and collections, twenty-three thousand dollars ..... $ 23,000.00 provided, however, that no claim shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), ninety-one thousand two hundred forty-two dollars ..... $ 91,242.00

In addition to the above appropriations, there is hereby appropriated for the School of Mines all income from land grant, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

FOR THE BUREAU OF MINES AND GEOLOGY OF THE SCHOOL OF MINES

From the university millage fund:

For salaries and expenses, thirty-six thousand seven hundred and fifty dollars ..... $ 36,750.00

FOR THE WESTERN MONTANA COLLEGE OF EDUCATION AT DILLON

From the university millage fund:

For salaries and expenses, one hundred seven thousand and three dollars $107,003.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding four thousand dollars ..... $ 4,000.00

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For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), seventy-four thousand five hundred ninety-two dollars ..... $ 74,592.00

In addition to the above appropriations, there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE EASTERN MONTANA COLLEGE OF EDUCATION AT BILLINGS

From the university millage fund:

For salaries and expenses, one hundred forty-three thousand five hundred and fifty-three dollars $143,553.00

For state's contribution to teachers' retirement fund, as much as may be necessary, not exceeding five thousand dollars ..... $ 5,000.00

For state's contribution to public employees' retirement system, as much as may be necessary, not exceeding one thousand dollars ..... $ 1.000.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, seventeen thousand dollars ..... $ 17,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees

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and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), one hundred thousand thirty-six dollars $100,036.00

In addition to the above appropriation, there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE NORTHERN MONTANA COLLEGE AT HAVRE

From the university millage fund:

For salaries and expenses, one hundred thirty-eight thousand two hundred and twenty-five dollars $138,225.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding six thousand six hundred dollars ..... $ 6,600.00

For state's contribution to the public employees' retirement fund, as much as may be necessary, not exceeding one thousand three hundred dollars ..... $ 1,300.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, eighteen thousand dollars ..... $ 18,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), ninety-six thousand four hundred twenty-four dollars ..... $ 96,424.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal

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funds that may be received, to be used for the purposes to which they are given.

FOR STUDENT TRAVEL REFUNDS

From the university millage fund:

To equalize the traveling fare of students in attendance upon any of the institutions of the University of Montana, two thousand dollars ..... $ 2,000.00

Section 3. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1952, and ending June 30, 1953.

FOR THE MONTANA STATE UNIVERSITY AT MISSOULA

From the university millage fund:

For salaries and expenses, eight hundred ninety-eight thousand six hundred and twenty-seven dollars $898,627.00

For salaries and expenses for the forest conservation experiment station, twelve thousand two hundred and eighty-one dollars ..... $ 12,281.00

For the state's contribution to the teachers' retirement fund as much as may be necessary, not exceeding thirty-six thousand dollars ..... $ 36,000.00

For the state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding eleven thousand dollars ..... $ 11,000.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, two hundred thousand dollars $200,000.00
provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is

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hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), six hundred twenty-one thousand three hundred and ninety-six dollars $621,396.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal funds received or to be received are hereby appropriated to the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition all balances on hand to be used for the purposes for which such funds were accumulated or given.

FOR THE MONTANA STATE COLLEGE AT BOZEMAN

From the university millage fund:

For salaries and expenses, seven hundred eighty-one thousand nine hundred and sixteen dollars $781,916.00

For salaries and expenses of the engineering experiment station, ten thousand five hundred dollars .....$ 10,500.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding thirty-six thousand dollars .....$ 36,000.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding sixteen thousand five hundred dollars .....$ 16,500.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred seventy-five thousand dollars .....$175,000.00 provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the

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university millage fund), five hundred forty-one thousand two hundred two dollars $541,202.00

In addition to the foregoing appropriations, there is hereby appropriated for the use of the Montana State College, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

FOR THE MONTANA AGRICULTURAL EXPERIMENT STATION

From the university millage fund:

For salaries and expenses, one hundred sixty-nine thousand nine hundred and fourteen dollars $169,914.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not to exceed nine thousand seven hundred and fifty-four dollars ..... $ 9,754.00

For state's contribution to the public employees's retirement system, as much as may be necessary, not exceeding six thousand eight hundred and seventy-eight dollars ..... $ 6,878.00

All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana Agricultural Experiment Station so much thereof as may be necessary for the payment of salaries and expenses, including purchases of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana Agricultural Experiment Station, all federal funds and also all trust funds.

From the general fund:

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), one hundred seventeen thousand seven hundred thirty-seven dollars $117,737.00

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FOR THE EXPERIMENTAL SUBSTATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

From the university millage fund:

For salaries and expenses for each of the following substations and branches:

Horticulture Branch Station, fifteen thousand seven hundred and thirty-three dollars ..... $ 15,733.00

North Montana Branch Station, thirty-four thousand two hundred and twenty-nine dollars ..... $ 34,229.00

Northwestern Montana Branch Station, thirteen thousand six hundred and seventy-eight dollars ..... $ 13,678.00

U. S. Range Livestock Experiment Station, four thousand seven hundred and forty-four dollars ..... $ 4,744.00

Eastern Montana Branch Station, sixteen thousand one hundred and sixty-eight dollars ..... $ 16,168.00

Montana Wool Laboratory, sixteen thousand six hundred and fifty dollars ..... $ 16,650.00

Central Montana Branch Station, twenty-one thousand seven hundred and thirty-two dollars ..... $ 21,732.00

Montana Grain Laboratory, twelve thousand three hundred and forty-five dollars ..... $ 12,345.00

Huntley Branch Station, twenty-seven thousand two hundred and forty-four dollars ..... $ 27,244.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding two thousand nine hundred and eighty-six dollars ..... $ 2,986.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding five thousand and nine dollars ..... $ 5,009.00

In addition to the above appropriations, all moneys collected by the several branches and substations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated, all federal funds and trust funds that may be received for any of the substations or branch stations.

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FOR THE AGRICULTURAL EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

From the university millage fund:

For salaries and expenses, one hundred sixty-five thousand seven hundred dollars $165,700.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding fifteen hundred dollars ..... $ 1,500.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding two thousand five hundred dollars ..... $ 2,500.00

From the general fund:

In addition to the above appropriation, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, eight thousand five hundred dollars ..... $ 8,500.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), one hundred two thousand one hundred and nine dollars $102,109.00

In addition to the above appropriations, there is hereby also appropriated for the extension service all federal funds and all trust funds.

FOR THE MONTANA SCHOOL OF MINES AT BUTTE

From the university millage fund:

For salaries and expenses, one hundred thirty-three thousand five hundred and ninety dollars $133,590.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding six thousand dollars ..... $ 6,000.00

For state's contribution to the public employees' retire-

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ment system, as much as may be necessary, not exceeding three thousand dollars ..... $ 3,000.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated for salaries and expenses, in lieu of fees and collections, twenty-three thousand dollars ..... $ 23,000.00 provided, however, that no claim shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), ninety-four thousand thirty dollars ..... $ 94,030.00

In addition to the above appropriations, there is hereby appropriated for the School of Mines all income from land grant, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

FOR THE BUREAU OF MINES AND GEOLOGY OF THE SCHOOL OF MINES

From the university millage fund:

For salaries and expenses, thirty-six thousand seven hundred and fifty dollars ..... $ 36,750.00

FOR THE WESTERN MONTANA COLLEGE OF EDUCATION AT DILLON

From the university millage fund:

For salaries and expenses, one hundred eight thousand seven hundred and ten dollars $108,710.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding four thousand dollars ..... $ 4,000.00

For state's contribution to the public employees' retirement system, as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

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From the general fund:

In addition to the above appropriations, there is hereby appropriated for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), seventy-five thousand seventy-five dollars ..... $ 75,075.00

In addition to the above appropriations, there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE EASTERN MONTANA COLLEGE OF EDUCATION AT BILLINGS

From the university millage fund:

For salaries and expenses, one hundred forty-five thousand nine hundred and thirty-two dollars $145,932.00

For the state's contribution to teachers' retirement fund, as much as may be necessary, not exceeding five thousand five hundred dollars ..... $ 5,500.00

For state's contribution to public employees' retirement system, as much as may be necessary, not exceeding one thousand five hundred dollars ..... $ 1,500.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, eighteen thousand dollars ..... $ 18,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

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In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), one hundred thousand seven hundred ninety-four dollars $100,794.00

In addition to the above appropriations, there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE NORTHERN MONTANA COLLEGE AT HAVRE

From the university millage fund:

For salaries and expenses, one hundred thirty-eight thousand four hundred and thirty-one dollars $138,431.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding six thousand six hundred dollars ..... $ 6,600.00

For state's contribution to the public employees' retirement fund, as much as may be necessary, not exceeding one thousand three hundred dollars ..... $ 1,300.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty thousand dollars ..... $ 20,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), ninety-five thousand six hundred seventy dollars ..... $ 95,670.00

In addition to each of the above appropriations, there is also appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

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FOR STUDENT TRAVEL REFUNDS

From the university millage fund:

To equalize the traveling fare of students in attendance upon any of the institutions of the University of Montana, two thousand dollars ..... $ 2,000.00

Section 4. The appropriation contained herein shall only be used for the purposes designated, nor shall they be interchangeable, and all appropriations provided herein are subject to the definitions appearing in Section 1 of this act. In the event any institution, department, station or service or other division receives specific appropriations from sources other than the university millage fund, or the general fund, excepting trust funds governed by specific provisions of law, the money from such other sources shall be used to the extent lawfully available, before resorting to the appropriations from the university millage fund, or the general fund, but in no event shall they be used for purposes other than that for which they were received.

Section 5. The appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein said meetings are held outside the State of Montana, except by permission of the state board of education obtained in advance. It is further provided that the appropriations contained herein shall not be used for salary and expenses of a chancellor for the Greater University of Montana.

Approved March 5, 1951.

HOUSE BILL NO. 461

An Act to Appropriate Money to the Livestock Sanitary Board for the Purpose of Promoting and Assisting in the Vaccination of Cattle Against Brucellosis (Bangs Disease) and to Assist in the Establishment and Maintenance of Brucellosis (Bangs Disease) Control Areas.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty thousand dollars ($20,000.00) to the livestock sanitary board for the purpose of fostering, promoting, and assisting in the vaccination of cattle against brucellosis (bangs disease) and assisting in the estab-

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lishment and maintenance of brucellosis (bangs disease) control areas.

Section 2. An emergency is hereby declared, and the appropriation hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 5, 1951.

HOUSE BILL NO. 462

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1951 and Ending June 30, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees, or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which

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are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the Laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1951 and ending June 30, 1952.

SOIL CONSERVATION COMMITTEE

From the general fund:

For salaries and expenses, one thousand dollars .....$ 1,000.00

DISTRICT JUDGES

From the general fund:

For salaries, one hundred forty-four thousand dollars ..$144,000.00

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For travel, thirteen thousand eight hundred sixty dollars ..... $ 13,860.00

For public employees' retirement system, five thousand one hundred eighty-four dollars ..... $ 5,184.00

COUNTY ATTORNEYS

From the general fund:

For salaries, sixty-five thousand dollars ..... $ 65,000.00

For public employees' retirement system, two thousand four hundred dollars ..... $ 2,400.00

TRANSPORTATION OF PRISONERS

From the general fund:

For the purpose of paying the expenses of transporting prisoners, fifteen thousand dollars ..... $ 15,000.00

APPRENTICESHIP COUNCIL

From the general fund:

For salaries, twenty-one thousand three hundred dollars ..... $ 21,300.00

For public employees' retirement system, eight hundred dollars ..... $ 800.00

For operation, nine thousand three hundred ninety dollars ..... $ 9,390.00

For capital, repairs and replacements, seven hundred ten dollars ..... $ 710.00

STATE EXAMINER

From the general fund:

For salaries, sixty-three thousand five hundred twenty dollars ..... $ 63,520.00

For capital, repairs and replacements, six hundred dollars ..... $ 600.00

For operation, twenty-eight thousand three hundred seventy-five dollars ..... $ 28,375.00

For public employees' retirement system, two thousand two hundred dollars ..... $ 2,200.00

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For livestock, crops, machinery and inventory inspection at the state prison at Deer Lodge, the state training school at Boulder, the state industrial school at Miles City, the state orphans' home at Twin Bridges, and the state hospital at Warm Springs, seven hundred fifty dollars ..... $ 750.00

PERMANENT REVOLVING RUND

From the general fund:

One thousand dollars ..... $ 1,000.00

For the purpose of creating a permanent revolving fund to be known as the state examiner's revolving fund. The salaries and expenses of all examinations of the state liquor control board, the public welfare commission, the Montana fish and game department, and all special examinations of any state office, department or agency, shall be paid from this revolving fund, and such state office, department or agency shall reimburse said fund in an amount equal to the entire expense incurred in making such examination or examinations, so that this fund may become a permanent revolving fund for the purpose of meeting the expenses incurred in making special or unusual examination as above set forth.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

From the general fund:

For salaries and expenses, three hundred fifty dollars .. $ 350.00

BOARD OF HEALTH

From the general fund:

For salary of executive officer, twelve thousand dollars ..... $ 12,000.00

For salaries and expenses, two hundred sixty-five thousand one hundred forty-five dollars $265,145.00

For narcotics education, five thousand five hundred dollars ..... $ 5,500.00

In addition thereto, there is hereby appropriated any money that may be received from the federal government to be used as provided in the grants for the various departments.

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BOARD OF ENTOMOLOGY

From the general fund:

For salaries and expenses, three hundred fifty dollars ..$ 350.00

STATE ENTOMOLOGIST

From the general fund:

For salaries, five thousand three hundred five dollars ..$ 5,305.00

For operation, four thousand three hundred thirty-seven dollars .....$ 4,337.00

For public employees' retirement system, one hundred ninety-one dollars .....$ 191.00

For capital, repairs and replacements, one thousand two hundred eighty-five dollars .....$ 1,285.00

APICULTURE DIVISION

From the general fund:

For salaries, five thousand five dollars .....$ 5,005.00

For operation, one thousand five hundred thirteen dollars and seventeen cents .....$ 1,513.17

For public employees' retirement system, one hundred eighty-one dollars .....$ 181.00

For capital, repairs and replacements, fifteen dollars ..$ 15.00

RANGE CONTROL INVESTIGATIONS

From the general fund:

For salaries and expenses, eight thousand four hundred fifty dollars .....$ 8,450.00

For chrysolina liberations in goat weed control, seven hundred fifty dollars .....$ 750.00

MILK CONTROL BOARD

From the general fund:

For salary of secretary, five thousand four hundred dollars .....$ 5,400.00

For salary of others, two thousand seven hundred dollars .....$ 2,700.00

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For operation, five thousand three hundred fifty dollars ..... $ 5,350.00

For capital, repairs and replacements, one hundred thirty dollars ..... $ 130.00

For public employees' retirement system, two hundred fifty-two dollars ..... $ 252.00

provided, however, that no claim shall be made from these appropriations which will exceed in aggregate, the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year or the appropriation herein provided.

MONTANA POULTRY IMPROVEMENT BOARD

From the general fund:

For salaries and expenses, six thousand four hundred twenty dollars ..... $ 6,420.00

For public employees' retirement system, two hundred five dollars and fifty cents ..... $ 205.50

STATE BOARD OF FORESTRY

From the general fund:

For salaries and expenses, fifteen hundred dollars ..... $ 1,500.00

RURAL FIRE FIGHTERS SERVICE

From the general fund:

For salaries and expenses, two thousand two hundred fifty dollars ..... $ 2,250.00

UNEMPLOYMENT COMPENSATION COMMISSION OF MONTANA

From the general fund:

For administrative salaries and expenses and for implementing the purpose of Section 11-B of Montana Unemployment Compensation Law in opposing federalization, fifteen thousand dollars ..... $ 15,000.00

From the unemployment compensation benefit fund:

So much thereof as may be necessary to comply with the provisions of the law.

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From the Montana cash sickness and disability fund:

So much thereof as may be necessary to comply with the provisions of the law.

STATE HIGHWAY PATROL

From the general fund:

For salary of patrol chief, five thousand dollars ..... $ 5,000.00

For salary of safety director, four thousand two hundred dollars ..... $ 4,200.00

For salaries of office employees, twenty-three thousand eight hundred eighty dollars ..... $ 23,880.00

For administrative operation and expenses, ten thousand three hundred fifty dollars ..... $ 10,350.00

For capital, repairs and replacements, four hundred fifty dollars ..... $ 450.00

For public employees' retirement system, eight hundred sixty dollars ..... $ 860.00

For salaries of highway patrolmen, two hundred eighty-two thousand seven hundred eighty dollars $282,780.00

For subsistence of patrolmen, thirty-five thousand dollars ..... $ 35,000.00

For uniforms of patrolmen, eight thousand dollars ..... $ 8,000.00

For other expenses of patrolmen, eight thousand dollars ..... $ 8,000.00

For patrol division salaries, three thousand six hundred dollars ..... $ 3,600.00

For other expenses of patrol division, nineteen thousand fifty dollars ..... $ 19,050.00

For automotive expense of patrol division, seventy-nine thousand four hundred twenty dollars ..... $ 79,420.00

For law enforcement equipment of patrol division, eighteen thousand six hundred twenty dollars ..... $ 18,620.00

For mobile equipment of patrol division, forty-three thousand five hundred dollars ..... $ 43,500.00

DRIVER'S EXAMINATION SECTION OF THE MONTANA HIGHWAY PATROL

From the general fund:

For salary of chief examiner, four thousand two hun-

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dred dollars ..... $ 4,200.00

For salaries of patrolmen, twenty-three thousand one hundred dollars ..... $ 23,100.00

For salaries of office employees, eighteen thousand dollars ..... $ 18,000.00

For operation and expenses, thirty-seven thousand dollars ..... $ 37,000.00

For public employees' retirement system, six hundred fifty dollars ..... $ 650.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For automotive expense, five thousand seven hundred dollars ..... $ 5,700.00

For furniture and fixtures, seven hundred fifty dollars ..... $ 750.00

For law enforcement equipment, one thousand ninety-five dollars ..... $ 1,095.00

For mobile equipment, five thousand dollars ..... $ 5,000.00

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1952 and ending June 30, 1953.

SOIL CONSERVATION COMMITTEE

From the general fund:

For salaries and expenses, one thousand dollars ..... $ 1,000.00

DISTRICT JUDGES

From the general fund:

For salaries, one hundred forty-four thousand dollars .. $144,000.00

For travel, thirteen thousand eight hundred sixty dollars ..... $ 13,860.00

For public employees' retirement system, five thousand one hundred eighty-four dollars ..... $ 5,184.00

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COUNTY ATTORNEYS

From the general fund:

For salaries, sixty-five thousand dollars ..... $ 65,000.00

For public employees' retirement system, two thousand four hundred dollars ..... $ 2,400.00

TRANSPORTATION OF PRISONERS

From the general fund:

For the purpose of paying the expenses of transporting prisoners, fifteen thousand dollars ..... $ 15,000.00

APPRENTICESHIP COUNCIL

From the general fund:

For salaries, twenty-one thousand three hundred dollars ..... $ 21,300.00

For public employees' retirement system, eight hundred dollars ..... $ 800.00

For operation, nine. thousand three hundred ninety dollars ..... $ 9,390.00

For capital, repairs and replacements, seven hundred ten dollars ..... $ 710.00

STATE EXAMINER

From the general fund:

For salaries, sixty-three thousand five hundred twenty dollars ..... $ 63,520.00

For capital, repairs and replacements, six hundred dollars ..... $ 600.00

For operation, twenty-seven thousand eight hundred seventy-five dollars ..... $ 27,875.00

For public employees' retirement system, two thousand two hundred dollars ..... $ 2,200.00

For livestock, crops, machinery and inventory inspection at the state prison at Deer Lodge, the state training school at Boulder, the state industrial school at Miles City, the state orphans' home at Twin Bridges, and the state hospital at Warm Springs, seven hundred fifty dollars ..... $ 750.00

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BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

From the general fund:

For salaries and expenses, three hundred fifty dollars ..$ 350.00

BOARD OF HEALTH

From the general fund:

For salary of executive officer, twelve thousand dollars .....$ 12,000.00

For salaries and expenses, two hundred fifty thousand six hundred forty-five dollars $250,645.00

For narcotics education, five thousand five hundred dollars .....$ 5,500.00

In addition thereto, there is hereby appropriated any money that may be received from the federal government to be used as provided in the grants for the various departments.

BOARD OF ENTOMOLOGY

From the general fund:

For salaries and expenses, three hundred fifty dollars ..$ 350.00

STATE ENTOMOLOGIST

From the general fund:

For salaries, five thousand seven hundred five dollars ..$ 5,705.00

For operation, four thousand thirty-nine dollars .....$ 4,039.00

For public employees' retirement system, one hundred ninety-two dollars .....$ 192.00

For capital, repairs and replacements, forty dollars ....$ 40.00

APICULTURE DIVISION

From the general fund:

For salaries, five thousand one hundred five dollars ....$ 5,105.00

For operation, one thousand five hundred thirteen dollars and sixty-eight cents .....$ 1,513.68

For public employees' retirement system, one hundred eighty-three dollars .....$ 183.00

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RANGE CONTROL INVESTIGATIONS

From the general fund:

For salaries and expenses, six thousand five hundred dollars ..... $ 6,500.00

MILK CONTROL BOARD

From the general fund:

For salary of secretary, five thousand four hundred dollars ..... $ 5,400.00

For salary of others, two thousand seven hundred dollars ..... $ 2,700.00

For operation, five thousand three hundred fifty dollars ..... $ 5,350.00

For capital, repairs and replacements, one hundred thirty dollars ..... $ 130.00

For public employees' retirement system, two hundred fifty-two dollars ..... $ 252.00

provided, however, that no claim shall be made from these appropriations which will exceed in aggregate, the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year or the appropriation herein provided.

MONTANA POULTRY IMPROVEMENT BOARD

From the general fund:

For salaries and expenses, five thousand six hundred twenty dollars ..... $ 5,620.00

For public employees' retirement system, two hundred five dollars and fifty cents ..... $ 205.50

STATE BOARD OF FORESTRY

From the general fund:

For salaries and expenses, fifteen hundred dollars ..... $ 1,500.00

RURAL FIRE FIGHTERS SERVICE

From the general fund:

For salaries and expenses, two thousand two hundred fifty dollars ..... $ 2,250.00

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UNEMPLOYMENT COMPENSATION COMMISSION OF MONTANA

From the general fund:

For administrative salaries and expenses and for implementing the purpose of Section 11-B of Montana Unemployment Compensation Law in opposing federalization, fifteen thousand dollars ..... $ 15,000.00

From the unemployment compensation benefit fund:

So much thereof as may be necessary to comply with the provisions of the law.

From the Montana cash sickness and disability fund:

So much thereof as may be necessary to comply with the provisions of the law.

STATE HIGHWAY PATROL

From the general fund:

For salary of patrol chief, five thousand dollars ..... $ 5,000.00

For salary of safety director, four thousand two hundred dollars ..... $ 4,200.00

For salaries of office employees, twenty-three thousand eight hundred eighty dollars ..... $ 23,880.00

For administrative operation and expenses, ten thousand three hundred fifty dollars ..... $ 10,350.00

For capital, repairs and replacements, four hundred fifty dollars ..... $ 450.00

For public employees' retirement system, eight hundred sixty dollars ..... $ 860.00

For salaries of highway patrolmen, two hundred eighty-three thousand three hundred fifty dollars $283,350.00

For subsistence of patrolmen, thirty-five thousand dollars ..... $ 35,000.00

For uniforms of patrolmen, eight thousand dollars ..... $ 8,000.00

For other expenses of patrolmen, eight thousand dollars ..... $ 8,000.00

For patrol division salaries, three thousand six hundred dollars ..... $ 3,600.00

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For other expenses of patrol division, fifteen thousand five hundred fifty dollars ..... $ 15,550.00

For automotive expense of patrol division, seventy-nine thousand four hundred twenty dollars ..... $ 79,420.00

For law enforcement equipment of patrol division, three hundred dollars ..... $ 300.00

For mobile equipment of patrol division, thirty-one thousand two hundred dollars ..... $ 31,200.00

DRIVER'S EXAMINATION SECTION OF THE MONTANA HIGHWAY PATROL

From the general fund:

For salary of chief examiner, four thousand two hundred dollars ..... $ 4,200.00

For salaries of patrolmen, twenty-three thousand one hundred dollars ..... $ 23,100.00

For salaries of office employees, eighteen thousand dollars ..... $ 18,000.00

For operation and expenses, thirty-seven thousand dollars ..... $ 37,000.00

For public employees' retirement system, six hundred fifty dollars ..... $ 650.00

For capital, repairs and replacements, one hundred dollars ..... $ 100.00

For automotive expense, five thousand seven hundred dollars ..... $ 5,700.00

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to moneys from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Approved March 5, 1951.

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HOUSE BILL NO. 463

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Institutions, for the Period Beginning July 1, 1951, and Ending June 30, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

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(8) The term "Public Employees' Retirement System" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The term "Teachers' Retirement System" means the state contribution to the teachers' retirement system and said money is to be used for that purpose and no other.

(10) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(11) When reference is made herein to any chapter or section of the Laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1951, and ending June 30, 1952.

SCHOOL FOR THE DEAF AND BLIND

From the general fund:

For salaries and expenses, one hundred thirty thousand seventy dollars	$ 130,070.00
For public employees' retirement system, three thousand two hundred dollars	$ 3,200.00
For teachers' retirement system, three thousand six hundred dollars	$ 3,600.00
For the construction of building for heating and storage, and purchase and installation of heating equipment, subject to the approval of the state board of examiners, sixty thousand dollars	$ 60,000.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust fund which may be received, subject to statutory

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provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

From the general fund:

For salaries and expenses, one hundred fifty-seven thousand two hundred sixty-three dollars ..... $ 157,263.00

For public employees' retirement system, five thousand three hundred dollars ..... $ 5,300.00

For teachers' retirement system, one thousand two hundred dollars ..... $ 1,200.00

In addition to the above appropriations, all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE INDUSTRIAL SCHOOL

From the general fund:

For salaries and expenses, one hundred ninety thousand thirty-three dollars ..... $ 190,033.00

For public employees' retirement system, four thousand five hundred dollars ..... $ 4,500.00

For teachers' retirement system, two thousand six hundred dollars ..... $ 2,600.00

For the construction of one new cottage building and furnishing same, subject to the approval of the state board of examiners, one hundred forty thousand dollars ..... $ 140,000.00

In addition to the above appropriations, all income from land grants and trust funds which may be received is hereby appropriated, subject to all statutory provisions and obligations of any outstanding bond issues.

STATE VOCATIONAL SCHOOL FOR GIRLS

From the general fund:

For salaries and expenses, ninety-one thousand eight hundred eighty-two dollars and fifty cents ..... $ 91,882.50

For public employees' retirement system, two thousand four hundred fifty-six dollars ..... $ 2,456.00

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For teachers' retirement system, nine hundred seventy-five dollars ..... $ 975.00

For the repair and replacement of the roof on the administration building and for the repair and replacement of the roof on the gymnasium building, ten thousand dollars ..... $ 10,000.00

In addition to the above appropriations, all trust funds which may be received by the institution are hereby appropriated.

STATE PRISON

From the general fund:

For salaries and expenses, three hundred eight thousand six hundred fifteen dollars ..... $ 308,615.00

For farm machinery, conditional upon the leasing of appropriately applicable lands for a minimum of a three-year period, subject to approval of the state board of examiners, twelve thousand five hundred dollars ..... $ 12,500.00

In addition thereto, there is hereby appropriated for salaries and expenses, in lieu of earnings, thirty thousand dollars ..... $ 30,000.00

provided, however, that the board of examiners may not authorize claims from this appropriation that exceed in the aggregate the amount of earnings deposited with the state treasurer to the credit of the general fund for that fiscal year.

For salaries and expenses of the bureau of identification, five thousand nine hundred thirty-eight dollars $ 5,938.00

For public employees' retirement system, six thousand dollars ..... $ 6,000.00

In addition to the above, all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

From the general fund:

For salaries and expenses, five thousand three hundred dollars ..... $ 5,300.00

For public employees' retirement system, one hundred forty-six dollars and eighty-eight cents ..... $ 146.88

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LICENSE PLATE FACTORY

From the motor recording fund:

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates is hereby appropriated.

STATE HOSPITAL

From the general fund:

For salaries and expenses, one million six hundred sixty-nine thousand nine hundred fifty-one dollars $1,669,951.00

For public employees' retirement system, forty-seven thousand three hundred sixty-two dollars .....$ 47,362.00

For salaries and expenses of the mental hygiene department, sixty-four thousand twenty-nine dollars and two cents .....$ 64,029.02

For public employees' retirement system, four thousand dollars .....$ 4,000.00

For the repair and replacement of the plumbing system of the Mitchell building, subject to the approval of the state board of examiners, ninety thousand dollars .....$ 90,000.00

For the purpose of investigating, devising ways and means and planning an adequate and proper water supply system for the state hospital, one thousand five hundred dollars .....$ 1,500.00

In addition to the above appropriations, all trust funds and all moneys received from federal assistance are hereby appropriated subject to all statutory provisions.

STATE TUBERCULOSIS SANITARIUM

From the general fund:

For salaries and expenses, five hundred eight thousand five hundred fifty-four dollars .....$ 508,554.00

For the construction of two new doctors' homes, subject to the approval of the state board of examiners, thirty thousand dollars .....$ 30,000.00

For the furnishing and contingencies in connection

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therewith of the new 72-bed wing to the hospital, subject to the approval of the state board of examiners, two hundred fifty thousand dollars ..... $ 250,000.00

For public employees' retirement system, eighteen thousand dollars ..... $ 18,000.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE SOLDIERS' HOME

From the general fund:

For salaries and expenses, sixty-nine thousand one hundred seventy-eight dollars ..... $ 69,178.00

For public employees' retirement system, two thousand dollars ..... $ 2,000.00

In addition to the above appropriations, all moneys received from federal assistance and income from land grants are hereby appropriated.

STATE TRAINING SCHOOL

From the general fund:

For salaries and expenses, four hundred nine thousand three hundred fifty-three dollars and twenty-five cents ..... $ 409,353.25

For public employees' retirement system, ten thousand dollars ..... $ 10,000.00

For teachers' retirement system, two thousand dollars ..... $ 2,000.00

For the construction of a new 60-bed hospital and infirmary and furnishing and equipping the same, subject to the approval of the state board of examiners, four hundred thirty-six thousand dollars ..... $ 436,000.00

For the purchase and laying of new steam distribution lines to the said hospital and infirmary, subject to the approval of the state board of examiners, fifty-five thousand dollars ..... $ 55,000.00

For the remodeling of the steam plant and installation of the unused boiler on hand, fifty-four thousand dollars ..... $ 54,000.00

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In addition, all trust funds are hereby appropriated subject to all statutory provisions.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1952, and ending June 30, 1953.

SCHOOL FOR THE DEAF AND BLIND

From the general fund:

For salaries and expenses, one hundred thirty thousand seventy dollars ..... $ 130,070.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust fund which may be received, subject to statutory provisions and obligations of any outstanding bond issue.

STATE ORPHANS' HOME

From the general fund:

For salaries and expenses, one hundred fifty-seven thousand two hundred sixty-three dollars ..... $ 157,263.00

In addition to the above appropriation, all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE INDUSTRIAL SCHOOL

From the general fund:

For salaries and expenses, one hundred ninety thousand thirty-three dollars ..... $ 190,033.00

In addition to the above appropriation, all income from land grants and trust funds which may be received is hereby appropriated, subject to all statutory provisions and obligations of any outstanding bond issues.

STATE VOCATIONAL SCHOOL FOR GIRLS

From the general fund:

For salaries and expenses, ninety-one thousand eight hundred eighty-two dollars and fifty cents ..... $ 91,882.50

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In addition to the above appropriation, all trust funds which may be received by the institution are hereby appropriated.

STATE PRISON

From the general fund:

For salaries and expenses, three hundred three thousand six hundred fifteen dollars ..... $ 303,615.00

In addition thereto, there is hereby appropriated for salaries and expenses, in lieu of earnings, thirty thousand dollars ..... $ 30,000.00
provided, however, that the board of examiners may not authorize claims from this appropriation that exceed in the aggregate the amount of earnings deposited with the state treasurer to the credit of the general fund for that fiscal year.

For salaries and expenses of the bureau of identification, five thousand nine hundred thirty-eight dollars $ 5,938.00

In addition to the above, all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

From the general fund:

For salaries and expenses, five thousand three hundred dollars ..... $ 5,300.00

LICENSE PLATE FACTORY

From the motor recording fund:

For salaries and expenses, as much as may be necessary to pay lawful claims in making of license plates is hereby appropriated.

STATE HOSPITAL

From the general fund:

For salaries and expenses, one million six hundred sixty-nine thousand nine hundred fifty-nine dollars $1,669,959.00

For salaries and expenses of the mental hygiene department, sixty-four thousand twenty-nine dollars and two cents ..... $ 64,029.02

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In addition to the above appropriations, all trust funds and all moneys received from federal assistance are hereby appropriated subject to statutory provisions.

STATE TUBERCULOSIS SANITARIUM

From the general fund:

For salaries and expenses, six hundred seventy-seven thousand four hundred fifty-four dollars ..... $ 677,454.00

In addition to the above appropriation, all trust funds are hereby appropriated subject to all statutory provisions.

STATE SOLDIERS' HOME

From the general fund:

For salaries and expenses, sixty-seven thousand two hundred ninety-four dollars ..... $ 67,294.00

In addition to the above appropriation, all moneys received from federal assistance and income from land grants and trust funds are hereby appropriated.

STATE TRAINING SCHOOL

From the general fund:

For salaries and expenses, Three hundred ninety-eight thousand six hundred seventy-eight dollars and twenty-five cents ..... $ 398,678.25

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

Section 4. Provided, further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

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Section 6. It is further provided that wherein institutions have appropriations from funds other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriation from the general fund.

Approved March 5, 1951.

HOUSE BILL NO. 465

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1951, and Ending June 30, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, includ-

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ing wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the Laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1951 and ending June 30, 1952.

STATE HIGHWAY COMMISSION

From the highway fund:

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state

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highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is neecssary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for the highway purposes.

FISH AND GAME COMMISSION

From the fish and game fund:

As much as may be necessary to pay all lawful claims as provided by law. In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

ATHLETIC COMMISSION

From the veterans' memorial fund:

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

MOTOR VEHICLE DEPARTMENT

From the motor vehicle recording fund:

For salaries and expenses, so much thereof as may be necessary to pay all lawful claims as provided by law.

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

STATE AERONAUTICS COMMISSION

From the state aviation fund:

For salaries and expenses, including salaries, so much thereof as may be necessary to pay all lawful claims as provided by law.

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STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the moneys received from the sale of liquor in the administration of the liquor control act as provided in Sections 4-228 and 4-229, Revised Codes of Montana, 1947.

BEER DIVISION

From the beer act fund:

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in Section 4-347, Revised Codes of Montana, 1947.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

From the public employees' retirement system fund:

As much as may be necessary to pay all lawful claims as provided by law.

STATE PARKS

From the general fund:

For salaries, ten thousand dollars	$ 10,000.00
For operation, three thousand seven hundred fifty dollars	$ 3,750.00
For repairs and replacements, three thousand dollars	$ 3,000.00
For public employees' retirement system, eight hundred forty dollars	$ 840.00

From state parks fund:

For operation, four thousand dollars	$ 4,000.00
For salaries, eleven thousand dollars	$ 11,000.00

FIRE INSURANCE

From the general fund:

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, one hundred twenty thousand dollars	$ 120,000.00

From the millage fund:

As much as may be necessary for insurance on buildings or institutions for the Greater University of Montana, one hundred forty-five thousand dollars	$ 145,000.00

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From the highway fund:

For premiums on insurance for the highway department, twenty-five thousand dollars ..... $ 25,000.00

From the motor recording fund:

For premiums on insurance for the motor vehicle department, two hundred dollars ..... $ 200.00

BOARD OF EDUCATION

From the general fund:

For expenses, five thousand three hundred dollars .. $ 5,300.00

From the public school equalization fund:

For salaries, seven thousand dollars ..... $ 7,000.00

From the millage fund:

For salaries and expenses, seven thousand dollars .... $ 7,000.00

VISUAL EDUCATION

From the public school equalization fund:

For salaries, fifteen thousand one hundred dollars .... $ 15,100.00

For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operations, five thousand seven hundred dollars $ 5,700.00

For public employees' retirement system and teachers' retirement system, two hundred dollars ..... $ 200.00

VOCATIONAL EDUCATION

From the general fund:

For salaries and expenses, sixty-eight thousand eight hundred fifty dollars ..... $ 68,850.00

In addition to the foregoing amounts, all income from federal funds known as Vocational United States Aid fund, George Dean fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the University of Montana from the above general fund appropriations.

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STATE CONTROLLER

From the general fund:

For salary, subject to House Bill 137 of the Thirty-second Legislative Assembly becoming a law, seven thousand dollars ..... $ 7,000.00

For salaries, twelve thousand eight hundred seventy dollars ..... $ 12,870.00

For public employees' retirement system, one thousand three hundred dollars ..... $ 1,300.00

From the highway fund:

For salaries and expenses, twenty thousand dollars $ 20,000.00

From the millage fund:

For salaries and expenses, eight thousand dollars ..... $ 8,000.00

COMMODITY DISTRIBUTION DIVISION

From the general fund:

For salaries and expenses, seven thousand nine hundred eighty dollars ..... $ 7,980.00
provided that the foregoing appropriations of the state controller shall revert and be available to the state purchasing agent in the event House Bill 137, enacted by the Thirty-second Legislative Assembly, should fail to become a law.

STATE CONTROLLER

From the general fund:

For salary of state accountant, five thousand dollars $ 5,000.00

For salaries of others, seventeen thousand four hundred dollars ..... $ 17,400.00

For capital, repairs and replacements, one thousand dollars ..... $ 1,000.00

For operation, four thousand six hundred sixty dollars ..... $ 4,660.00

For public employees' retirement system, eight hundred twenty-five dollars ..... $ 825.00
provided that the foregoing appropriations of the state controller shall revert and be available to the state accountant in the event House Bill 137, enacted by the

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Thirty-second Legislative Assembly, should fail to become a law.

HISTORICAL SOCIETY OF MONTANA

From the general fund:

For salaries, fourteen thousand four hundred dollars $ 14,400.00

For capital, repairs and replacements, eight hundred dollars ..... $ 800.00

For library and reference books and book binding, three thousand five hundred dollars ..... $ 3,500.00

For operation, two thousand one hundred seventy-five dollars ..... $ 2,175.00

For public employees' retirement system, five hundred twenty dollars ..... $ 520.00

MONTANA TRADE COMMISSION

From the general fund:

For salaries, five thousand dollars ..... $ 5,000.00

For operation, eight hundred dollars ..... $ 800.00

For public employees' retirement system, one hundred seventy-five dollars ..... $ 175.00

VETERANS' WELFARE COMMISSION

From the general fund:

For salaries and expenses, one hundred sixty thousand dollars ..... $ 160,000.00

STATE FORESTER ADMINISTRATION

From the general fund:

For salaries, eighteen thousand three hundred dollars ..... $ 18,300.00

For operation, three thousand twenty dollars ..... $ 3,020.00

For capital, repairs and replacements, two thousand dollars ..... $ 2,000.00

For public employees' retirement system, three thousand dollars ..... $ 3,000.00

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PROTECTION OF STATE LANDS

From the general fund:

For salaries and expenses, thirty thousand eight hundred forty-seven dollars ..... $ 30,847.00

TIMBER SALES

From the general fund:

For salaries and expenses, forty-two thousand forty-five dollars ..... $ 42,045.00

STATE FORESTRY NURSERY

From the general fund:

For salaries and expenses, seven thousand dollars .... $ 7,000.00

In addition to the above appropriations for the state forester, there is hereby appropriated all money received from the federal government or trust to be used for the purposes for which they were provided.

STATE BOARD OF EXAMINERS

From the general fund:

For salaries, twenty-one thousand six hundred dollars ..... $ 21,600.00

For operation, one thousand forty-eight dollars and sixty cents ..... $ 1,048.60

For capital, repairs and replacements, six hundred dollars ..... $ 600.00

For public employees' retirement system, seven hundred seventy-six dollars and sixty cents ..... $ 776.60

For computing, compiling and reporting automotive expense of cars and trucks used on state business under the provisions of Chapter 5 of Title 54 of the Revised Codes of Montana, 1947, for salaries and expenses, two thousand eight hundred dollars ..... $ 2,800.00

CONSOLIDATED BOARDS

From the general fund:

For salaries, five thousand four hundred dollars ..... $ 5,400.00

For operation, six hundred seventy dollars ..... $ 670.00

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For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For public employees' retirement system, two hundred dollars ..... $ 200.00

STATE ENGINEER

From the general fund:

For salary of state engineer, six thousand dollars .... $ 6,000.00

For salaries of office employees, three thousand five hundred dollars ..... $ 3,500.00

For operation, two thousand six hundred eighty-five dollars ..... $ 2,685.00

For capital, repairs and replacements, one thousand dollars ..... $ 1,000.00

For public employees' retirement system, two thousand dollars ..... $ 2,000.00

STREAM GAUGING

From the general fund:

For salaries and expenses, twenty thousand two hundred dollars ..... $ 20,200.00

For capital, repairs and replacements, two thousand dollars ..... $ 2,000.00

CAREY LAND ACT BOARD

From the general fund (to supplement Carey land act fund):

For salary, stenographer, two thousand seven hundred dollars ..... $ 2,700.00

For operation, five hundred dollars ..... $ 500.00

From the Carey land act fund:

In addition, all revenue received or to be received, is hereby appropriated for the purpose for which the fund is established.

WATER RESOURCES SURVEY

From the general fund:

For salaries, thirty-eight thousand five hundred dollars ..... $ 38,500.00

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THIRTY-SECOND LEGISLATIVE ASSEMBLY

For operation, twenty-one thousand five hundred dollars ..... $ 21,500.00

For capital, repairs and replacements, three thousand dollars ..... $ 3,000.00

For Yellowstone river compact, two hundred fifty dollars ..... $ 250.00

For survey of international waters, two thousand five hundred dollars ..... $ 2,500.00

For Columbia river compact, one thousand five hundred dollars ..... $ 1,500.00

WATER CONSERVATION BOARD

From the general fund:

For purchase of water conservation bonds from RFC, one million four hundred fifty thousand dollars ..$1,450,000.00

For salaries and expenses for administrative purposes, fifty thousand dollars ..... $ 50,000.00

For salaries and expenses for the revolving fund, seventy-five thousand dollars ..... $ 75,000.00

For public employees' retirement system, seven thousand five hundred dollars ..... $ 7,500.00

For betterments and repairs to existing projects, extensions to existing projects and construction of new projects, two hundred ten thousand dollars ..... $ 210,000.00

In addition to the above appropriations, all unexpended balances from appropriations made to the water conservation board under the provisions of House Bill 449 of the Thirty-first Legislative Assembly are hereby reappropriated, and also all moneys paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

VETERANS' AND PIONEERS' MEMORIAL BUILDING

From the general fund:

For salaries, eight thousand five hundred fifty dollars ..... $ 8,550.00

For capital, repairs and replacements, four hundred fifty dollars ..... $ 450.00

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For operation, three thousand two hundred fifty dollars ..... $ 3,250.00

For public employees' retirement system, three hundred seventy-five dollars ..... $ 375.00

STATE BOARD OF EQUALIZATION

From general fund:

For salaries of board members, fifteen thousand dollars ..... $ 15,000.00

For salaries of other employees, fifty-two thousand four hundred forty dollars ..... $ 52,440.00

From highway fund:

For salaries of other employees, six thousand four hundred eighty dollars ..... $ 6,480.00

From general fund:

For operation, twelve thousand one hundred eighty-seven dollars ..... $ 12,187.00

For public employees' retirement system, two thousand six hundred twenty-eight dollars ..... $ 2,628.00

For capital, repairs and replacements, five hundred dollars ..... $ 500.00

INCOME TAX DIVISION

From general fund:

For salaries, sixty-six thousand four hundred fifty dollars ..... $ 66,450.00

From common school equalization fund:

For salaries, twenty-two thousand one hundred fifty dollars ..... $ 22,150.00

From general fund:

For operation, seventeen thousand nine hundred forty-three dollars ..... $ 17,943.00

From common school equalization fund:

For operation, five thousand nine hundred eighty-one dollars ..... $ 5,981.00

From general fund:

For public employees' retirement system, two thousand thirty-nine dollars ..... $ 2,039.00

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From common school equalization fund:
For public employees' retirement system, five hundred ninety-two dollars ..... $ 592.00

From general fund:
For capital, repairs and replacements, two thousand two hundred fifty dollars ..... $ 2,250.00

From common school equalization fund:
For capital, repairs and replacements, seven hundred fifty dollars ..... $ 750.00

CORPORATION LICENSE TAX DIVISION

From general fund:
For salaries, nine thousand ninety dollars ..... $ 9,090.00

From common school equalization fund:
For salaries, three thousand thirty dollars ..... $ 3,030.00

From general fund:
For operation, one thousand three hundred ninety-two dollars ..... $ 1,392.00

From common school equalization fund:
For operation, four hundred sixty-four dollars ..... $ 464.00

From general fund:
For public employees' retirement system, three hundred thirty-seven dollars and fifty cents ..... $ 337.50

From common school equalization fund:
For public employees' retirement system, one hundred twelve dollars and fifty cents ..... $ 112.50

From general fund:
For capital, repairs and replacements, one hundred eighty-seven dollars and fifty cents ..... $ 187.50

From common school equalization fund:
For capital, repairs and replacements, sixty-two dollars and fifty cents ..... $ 62.50

GASOLINE TAX REFUND AND TAX DIVISION

From highway fund:
For salaries, twenty-eight thousand eight hundred sixty dollars ..... $ 28,860.00

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For operation, twelve thousand three hundred dollars ..... $ 12,300.00

For public employees' retirement system, one thousand thirty-seven dollars ..... $ 1,037.00

For capital, repairs and replacements, five hundred dollars ..... $ 500.00

For gasoline drawbacks, including refunds to the federal government, or as much as may be necessary to comply with the provisions of the law.

LICENSING DIVISION

From the general fund:

For salaries, thirty-nine thousand six hundred dollars ..... $ 39,600.00

For operation, forty-eight thousand four hundred sixty-two dollars ..... $ 48,462.00

For public employees' retirement system, one thousand four hundred twenty-five dollars ..... $ 1,425.00

For capital, repairs and replacements, five hundred dollars ..... $ 500.00

MITCHELL BUILDING

From the general fund:

For salaries of janitors, twenty-four thousand dollars ..... $ 24,000.00

For salary of engineer, three thousand dollars ..... $ 3,000.00

For salary of watchman, two thousand four hundred dollars ..... $ 2,400.00

For operation, nine thousand eight hundred sixty dollars ..... $ 9,860.00

For capital, nine hundred fifty dollars ..... $ 950.00

For repairs and replacements, one thousand five hundred dollars ..... $ 1,500.00

STATE LIBRARY EXTENSION COMMISSION

From the general fund:

For salary of secretary, three thousand five hundred dollars ..... $ 3,500.00

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For salary of assistants, four thousand eight hundred dollars ..... $ 4,800.00

For salaries of temporary employees, five hundred dollars ..... $ 500.00

For purchase of books and periodicals and binding, four thousand dollars ..... $ 4,000.00

For travel, eight hundred dollars ..... $ 800.00

For public employees' retirement system, two hundred twelve dollars ..... $ 212.00

For furniture and fixtures, two hundred fifty dollars $ 250.00

For expenses, five hundred dollars ..... $ 500.00

G. A. R. CUSTODIAN

From the general fund:

For salary of custodian, one thousand five hundred dollars ..... $ 1,500.00

For expenses, seventy-five dollars ..... $ 75.00

HOME FOR SENILE MEN AND WOMEN

From the general fund:

For salaries, operation and furnishings, fifty thousand dollars ..... $ 50,000.00

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1952 and ending June 30, 1953.

STATE HIGHWAY COMMISSION

From the highway fund:

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No.

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31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is neecssary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for the highway purposes.

FISH AND GAME COMMISSION

From the fish and game fund:

As much as may be necessary to pay all lawful claims as provided by law. In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

ATHLETIC COMMISSION

From the veterans' memorial fund:

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

MOTOR VEHICLE DEPARTMENT

From the motor vehicle recording fund:

For salaries and expenses, so much thereof as may be necessary to pay all lawful claims as provided by law.

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

STATE AERONAUTICS COMMISSION

From the state aviation fund:

For salaries and expenses, including salaries, so much thereof as may be necessary to pay all lawful claims as provided by law.

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STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the moneys received from the sale of liquor in the administration of the liquor control act as provided in Sections 4-228 and 4-229, Revised Codes of Montana, 1947.

BEER DIVISION

From the beer act fund:

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in Section 4-347, Revised Codes of Montana, 1947.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

From the public employees' retirement system fund:

As much as may be necessary to pay all lawful claims as provided by law.

STATE PARKS

From the general fund:

For salaries, ten thousand dollars ..... $ 10,000.00

For operation, three thousand seven hundred fifty dollars ..... $ 3,750.00

For repairs and replacements, three thousand dollars $ 3,000.00

For public employees' retirement system, eight hundred forty dollars ..... $ 840.00

From state parks fund:

For operation, four thousand dollars ..... $ 4,000.00

For salaries, eleven thousand dollars ..... $ 11,000.00

FIRE INSURANCE

From the general fund:

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, ten thousand dollars ..... $ 10,000.00

From the millage fund:

As much as may be necessary for insurance on build-

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ings or institutions for the Greater University of Montana, ten thousand dollars ..... $ 10,000.00

From the highway fund:

For premiums on insurance for the highway department, five thousand dollars ..... $ 5,000.00

From the motor recording fund:

For premiums on insurance for the motor vehicle department, two hundred dollars ..... $ 200.00

BOARD OF EDUCATION

From the general fund:

For expenses, five thousand three hundred dollars .. $ 5,300.00

From the public school equalization fund:

For salaries, seven thousand dollars ..... $ 7,000.00

From the millage fund:

For salaries and expenses, seven thousand dollars .... $ 7,000.00

VISUAL EDUCATION

From the public school equalization fund:

For salaries, fifteen thousand one hundred dollars .... $ 15,100.00

For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operations, five thousand seven hundred dollars $ 5,700.00

For public employees' retirement system and teachers' retirement system, two hundred dollars ..... $ 200.00

VOCATIONAL EDUCATION

From the general fund:

For salaries and expenses, sixty-eight thousand eight hundred fifty dollars ..... $ 68,850.00

In addition to the foregoing amounts, all income from federal funds known as Vocational United States Aid fund, George Dean fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the

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University of Montana from the above general fund appropriations.

STATE CONTROLLER

From the general fund:

For salary, subject to House Bill 137 of the Thirty-second Legislative Assembly becoming a law, seven thousand dollars ..... $ 7,000.00

For salaries, twelve thousand eight hundred seventy dollars ..... $ 12,870.00

For public employees' retirement system, one thousand three hundred dollars ..... $ 1,300.00

From the highway fund:

For salaries and expenses, twenty thousand dollars $ 20,000.00

From the millage fund:

For salaries and expenses, eight thousand dollars ..... $ 8,000.00

COMMODITY DISTRIBUTION DIVISION

From the general fund:

For salaries and expenses, seven thousand nine hundred eighty dollars ..... $ 7,980.00

provided that the foregoing appropriations of the state controller shall revert and be available to the state purchasing agent in the event House Bill 137, enacted by the Thirty-second Legislative Assembly, should fail to become a law.

STATE CONTROLLER

From the general fund:

For salary of state accountant, five thousand dollars $ 5,000.00

For salaries of others, seventeen thousand seven hundred dollars ..... $ 17,700.00

For capital, repairs and replacements, six hundred dollars ..... $ 600.00

For operation, nine thousand seven hundred ninety dollars ..... $ 9,790.00

For public employees' retirement system, eight hundred thirty-five dollars ..... $ 835.00

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provided that the foregoing appropriations of the state controller shall revert and be available to the state accountant in the event House Bill 137, enacted by the Thirty-second Legislative Assembly, should fail to become a law.

HISTORICAL SOCIETY OF MONTANA

From the general fund:

For salaries, fourteen thousand four hundred dollars $ 14,400.00

For capital, repairs and replacements, eight hundred dollars $ 800.00

For library and reference books and book binding, three thousand five hundred dollars $ 3,500.00

For operation, two thousand one hundred seventy-five dollars $ 2,175.00

For public employees' retirement system, five hundred twenty dollars $ 520.00

MONTANA TRADE COMMISSION

From the general fund:

For salaries, five thousand dollars $ 5,000.00

For operation, eight hundred dollars $ 800.00

For public employees' retirement system, one hundred seventy-five dollars $ 175.00

VETERANS' WELFARE COMMISSION

From the general fund:

For salaries and expenses, one hundred sixty thousand dollars $ 160,000.00

STATE FORESTER ADMINISTRATION

From the general fund:

For salaries, eighteen thousand three hundred dollars $ 18,300.00

For operation, three thousand twenty dollars $ 3,020.00

For capital, repairs and replacements, one thousand five hundred dollars $ 1,500.00

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For public employees' retirement system, three thousand dollars ..... $ 3,000.00

PROTECTION OF STATE LANDS

From the general fund:

For salaries and expenses, thirty thousand eight hundred forty-seven dollars ..... $ 30,847.00

TIMBER SALES

From the general fund:

For salaries and expenses, forty-two thousand forty-five dollars ..... $ 42,045.00

STATE FORESTRY NURSERY

From the general fund:

For salaries and expenses, seven thousand dollars .... $ 7,000.00

In addition to the above appropriations for the state forester, there is hereby appropriated all money received from the federal government or trust to be used for the purposes for which they were provided.

STATE BOARD OF EXAMINERS

From the general fund:

For salaries, twenty-one thousand six hundred dollars ..... $ 21,600.00

For operation, one thousand forty-eight dollars and sixty cents ..... $ 1,048.60

For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For public employees' retirement system, seven hundred seventy-six dollars and sixty cents ..... $ 776.60

CONSOLIDATED BOARDS

From the general fund:

For salaries, five thousand four hundred dollars ..... $ 5,400.00

For operation, four hundred seventy dollars ..... $ 470.00

For capital, repairs and replacements, two hundred fifty dollars ..... $ 250.00

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For public employees' retirement system, two hundred dollars ..... $ 200.00

STATE ENGINEER

From the general fund:

For salary of state engineer, six thousand dollars .... $ 6,000.00

For salaries of office employees, three thousand five hundred dollars ..... $ 3,500.00

For operation, two thousand six hundred eighty-five dollars ..... $ 2,685.00

For capital, repairs and replacements, five hundred dollars ..... $ 500.00

For public employees' retirement system, two thousand dollars ..... $ 2,000.00

STREAM GAUGING

From the general fund:

For salaries and expenses, twenty thousand two hundred dollars ..... $ 20,200.00

CAREY LAND ACT BOARD

From the general fund (to supplement Carey land act fund):

For salary, stenographer, two thousand seven hundred dollars ..... $ 2,700.00

For operation, five hundred dollars ..... $ 500.00

From the Carey land act fund:

In addition, all revenue received or to be received, is hereby appropriated for the purposes for which the fund is established.

WATER RESOURCES SURVEY

From the general fund:

For salaries, thirty-eight thousand five hundred dollars ..... $ 38,500.00

For operation, twenty-one thousand five hundred dollars ..... $ 21,500.00

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For capital, repairs and replacements, three thousand dollars ..... $ 3,000.00

For Yellowstone river compact, two hundred fifty dollars ..... $ 250.00

For survey of international waters, two thousand five hundred dollars ..... $ 2,500.00

For Columbia river compact, one thousand five hundred dollars ..... $ 1,500.00

WATER CONSERVATION BOARD

From the general fund:

For salaries and expenses for administrative purposes, fifty thousand dollars ..... $ 50,000.00

For salaries and expenses for the revolving fund, seventy-five thousand dollars ..... $ 75,000.00

For public employees' retirement system, seven thousand five hundred dollars ..... $ 7,500.00

For betterments and repairs to existing projects, extensions to existing projects and construction of new projects, two hundred ten thousand dollars ..... $ 210,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

VETERANS' AND PIONEERS' MEMORIAL BUILDING

From the general fund:

For salaries, eleven thousand one hundred dollars .... $ 11,100.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, four thousand two hundred fifty dollars ..... $ 4,250.00

For public employees's retirement system, four hundred ninety-seven dollars ..... $ 497.00

STATE BOARD OF EQUALIZATION

From the general fund:

For salaries of board members, fifteen thousand dollars ..... $ 15,000.00

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For salaries of other employees, fifty-two thousand four hundred forty dollars ..... $ 52,440.00

From highway fund:

For salaries of other employees, six thousand four hundred eighty dollars ..... $ 6,480.00

From general fund:

For operation, fourteen thousand seven hundred dollars ..... $ 14,700.00

For public employees' retirement system, two thousand six hundred twenty-eight dollars ..... $ 2,628.00

For capital, repairs and replacements, one thousand two hundred dollars ..... $ 1,200.00

INCOME TAX DIVISION

From general fund:

For salaries, seventy thousand, six hundred thirty-five dollars ..... $ 70,635.00

From common school equalization fund:

For salaries, twenty-three thousand five hundred forty-five dollars ..... $ 23,545.00

From general fund:

For operation, seventeen thousand nine hundred forty-three dollars ..... $ 17,943.00

From common school equalization fund:

For operation, five thousand nine hundred eighty-one dollars ..... $ 5,981.00

From general fund:

For public employees' retirement system, two thousand one hundred dollars ..... $ 2,100.00

From common school equalization fund:

For public employees' retirement system, seven hundred dollars ..... $ 700.00

From general fund:

For capital, repairs and replacements, three hundred seventy-five dollars ..... $ 375.00

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From common school equalization board:

For capital, repairs and replacements, one hundred twenty-five dollars ..... $ 125.00

CORPORATION LICENSE TAX DIVISION

From the general fund:

For salaries, nine thousand ninety dollars ..... $ 9,090.00

From common school equalization fund:

For salaries, three thousand thirty dollars ..... $ 3,030.00

From the general fund:

For operation, one thousand three hundred ninety-two dollars ..... $ 1,392.00

From common school equalization fund:

For operation, four hundred sixty-four dollars ..... $ 464.00

From the general fund:

For public employees' retirement system, three hundred thirty-seven dollars and fifty cents ..... $ 337.50

From common school equalization fund:

For public employees' retirement system, one hundred twelve dollars and fifty cents ..... $ 112.50

From the general fund:

For capital, repairs and replacements, one hundred eighty-seven dollars and fifty cents ..... $ 187.50

From common school equalization fund:

For capital, repairs and replacements, sixty-two dollars and fifty cents ..... $ 62.50

GASOLINE TAX REFUND AND TAX DIVISION

From highway fund:

For salaries, twenty-nine thousand eight hundred forty dollars ..... $ 29,840.00

For operation, twelve thousand three hundred dollars ..... $ 12,300.00

For public employees' retirement system, one thousand one hundred dollars ..... $ 1,100.00

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For capital, repairs and replacements, three thousand three hundred dollars ..... $ 3,300.00

For gasoline drawbacks, including refunds to the federal government, or as much as may be necessary to comply with the provisions of the law.

LICENSING DIVISION

From the general fund:

For salaries, thirty-nine thousand seven hundred twenty dollars ..... $ 39,720.00

For operation, forty-eight thousand four hundred sixty-two dollars ..... $ 48,462.00

For public employees' retirement system, one thousand four hundred thirty dollars ..... $ 1,430.00

For capital, repairs and replacements, six thousand eight hundred dollars ..... $ 6,800.00

MITCHELL BUILDING

From the general fund:

For salaries of janitors, twenty-four thousand dollars ..... $ 24,000.00

For salary of engineer, three thousand dollars ..... $ 3,000.00

For salary of watchman, two thousand four hundred dollars ..... $ 2,400.00

For operation, nine thousand eight hundred sixty dollars ..... $ 9,860.00

For capital, nine hundred fifty dollars ..... $ 950.00

For repairs and replacements, seven hundred fifty dollars ..... $ 750.00

STATE LIBRARY EXTENSION COMMISSION

From the general fund:

For salary of secretary, three thousand five hundred dollars ..... $ 3,500.00

For salary of assistants, four thousand eight hundred dollars ..... $ 4,800.00

For salaries of temporary employees, five hundred dollars ..... $ 500.00

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For purchase of books and periodicals and binding, four thousand dollars	$	4,000.00
For travel, eight hundred dollars	$	800.00
For public employees' retirement system, two hundred twelve dollars	$	212.00
For furniture and fixtures, two hundred fifty dollars	$	250.00
For expenses, five hundred dollars	$	500.00

G. A. R. CUSTODIAN

From the general fund:

For salary of custodian, one thousand five hundred dollars	$	1,500.00
For expenses, seventy-five dollars	$	75.00

HOME FOR SENILE MEN AND WOMEN

From the general fund:

For salaries and operations, one hundred twenty-five thousand dollars	$	125,000.00

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to moneys from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Approved March 5, 1951.

HOUSE BILL NO. 467

An Act to Appropriate Money for the Purpose of Paying Expenses, as Designated Herein, for the State Treasurer, Commissioner of State Lands and Investments, Attorney General, State Purchasing

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Agent, State Park Commission, Board of Examiners and Montana Highway Patrol, for the Remainder of the Current Fiscal Year Ending June 30, 1951, It Having Been Determined that the Appropriations Made Therefor by the Thirty-First Legislative Assembly Were Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current biennium ending June 30, 1951:

STATE TREASURER

From the general fund:

For salaries and expenses, one thousand six hundred fifty-two dollars and thirty-two cents ..... $ 1,652.32

COMMISSIONER OF STATE LANDS AND INVESTMENTS

From the general fund:

For salaries and expenses, ten thousand forty dollars and sixteen cents $10,040.16

ATTORNEY GENERAL

From the general fund:

For salaries and expenses, two thousand seven hundred forty-seven dollars and ten cents ..... $ 2,747.10

STATE PURCHASING AGENT

From the general fund:

For salaries and expenses, one thousand four hundred twenty-seven dollars ..... $ 1,427.00

STATE PARK COMMISSION

From the general fund:

For salaries and expenses, nineteen thousand five hundred fifty-three dollars and twelve cents $19,553.12

BOARD OF EXAMINERS

From the general fund:

For salaries and expenses, two thousand dollars ..... $ 2,000.00

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MONTANA HIGHWAY PATROL

From the general fund:

For operations, forty-two thousand five hundred dollars $42,500.00

For operation, so much as may be necessary, from the amount remaining in the capital account of the highway patrol, as appropriated in House Bill 449, Session Laws of the Thirty-first Legislative Assembly, 1949.

Section 2. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

HOUSE BILL NO. 468

An Act to Appropriate Money for State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs in the State Department and in the County Departments of Public Welfare and for All Other Expenditures Coming Under the State Department of Public Welfare Which They May Lawfully Incur, for the Period Beginning July 1, 1951, and Terminating With June 30, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of four million nine hundred thirty thousand four hundred sixty-six dollars ($4,930,466.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1951 and terminating with June 30, 1952.

Section 2. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

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(a) For old age assistance, the sum of two million seven hundred fifteen thousand seven hundred thirty dollars $2,715,730.00

(b) For aid to needy dependent children, the sum of eight hundred five thousand nine hundred eighty-six dollars ..... $ 805,986.00

(c) For aid to needy blind, the sum of two hundred two thousand three hundred ninety dollars ..... $ 202,390.00

(d) For child welfare services, including all state administrative costs, the sum of twenty-five thousand six hundred dollars ..... $ 25,600.00

(e) For the payment of compensation for keeping dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one-half the cost of such care, the sum of sixty-four thousand eighty dollars ..... $ 64,080.00

(f) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as shown by the 1950 census exclusive of Indians, the sum of two hundred thousand dollars ..... $ 200,000.00

(g) For general relief and contingencies, the sum of one hundred thirty-seven thousand one hundred ninety-eight dollars ..... $ 137,198.00

(h) For payment to persons having silicosis, pursuant to provisions of Chapter 5 of Session Laws of 1941, and for medical examinations, transportation and other related services, the sum of four hundred twenty-three thousand dollars ..... $ 423,000.00

(i) For administrative costs of the state department, not otherwise provided for, and including public employees' retirement system and advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of two hundred twelve thousand four hundred thirty-one dollars ..... $ 212,431.00

(j) For aid to permanently and totally disabled, the sum of one hundred forty-four thousand fifty-one dollars ..... $ 144,051.00

Section 3. There is hereby appropriated for the state department

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of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of four million nine hundred fifty-five thousand two hundred thirty-four dollars ($4,955,234.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1952 and terminating with June 30, 1953.

Section 4. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of two million seven hundred fifteen thousand seven hundred thirty dollars $2,715,730.00

(b) For aid to needy dependent children, the sum of eight hundred five thousand nine hundred eighty-six dollars ..... $ 805,986.00

(c) For aid to needy blind, the sum of two hundred twenty-seven thousand two hundred fifty-eight dollars $ 227,258.00

(d) For child welfare services, including all state administrative costs, the sum of twenty-five thousand six hundred dollars ..... $ 25,600.00

(e) For the payment of compensation for keeping dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one-half the cost of such care, the sum of sixty-four thousand eighty dollars ..... $ 64,080.00

(f) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as shown by the 1950 census exclusive of Indians, the sum of two hundred thousand dollars ..... $ 200,000.00

(g) For general relief and contingencies, the sum of one hundred thirty-seven thousand one hundred ninety-eight dollars ..... $ 137,198.00

(h) For payment to persons having silicosis, pursuant to provisions of Chapter 5 of Session Laws of

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1941, and for medical examinations, transportation and other related services, the sum of four hundred twenty-three thousand dollars ..... $ 423,000.00

(i) For administrative costs of the state department, not otherwise provided for, and including public employees' retirement system and advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of two hundred twelve thousand four hundred thirty-one dollars ..... $ 212,431.00

(j) For aid to permanently and totally disabled, the sum of one hundred forty-four thousand fifty-one dollars ..... $ 144,051.00

Section 5. In addition to the foregoing appropriations, there is hereby appropriated for both of the two (2) fiscal years, all balances of prior appropriations unexpended on June 30, 1951, and all funds which may be received from counties as reimbursements for the purposes for which they are designated and any other funds which may be received by the state department of public welfare.

Section 6. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose, may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except that no part of items (a), (b), (c), (d), (e), (f), (g), (h) and (j), shall be transferred to item (i), administrative costs.

Section 7. The appropriation hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 5, 1951.

HOUSE BILL NO. 469

An Act to Appropriate Money from the General Fund for the Purpose of Repayment of a State Inheritance Tax Refund Due in the Matter of the Estate of John O. Stillwell, Probated in the District Court of the 8th Judicial District of the State of Montana In and For the County of Chouteau.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money

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in the state treasury, not otherwise appropriated, for the purpose of repayment of erroneously collected over-payment of inheritance tax in the matter of the Estate of John O. Stillwell, probated in the district court of the 8th judicial district of the State of Montana in and for the county of Chouteau, paid to the county treasurer of Chouteau county pursuant to a court order thereof and deposited to the general fund of the State of Montana.

FROM THE GENERAL FUND

For the repayment of a state inheritance tax over-payment refund due in the matter of the Estate of John O. Stillwell, probated in the district court of the 8th judicial district of the State of Montana in and for the county of Chouteau, erroneously collected in the sum of four hundred twenty-three dollars and eighty-seven cents ($423.87).

Section 2. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its approval.

Approved March 5, 1951.

HOUSE JOINT MEMORIAL NO. 2

A Memorial to the Congress of the United States of America, to the Honorable United States Senators Zales N. Ecton and James E. Murray and to the Honorable Representatives in Congress Wesley A. D'Ewart and Mike Mansfield, Requesting That the Eighty-second Congress Introduce and Pass an Act Enabling Those Who Are Called to the Armed Forces or Volunteer for Duty With the Services and Are Serving in the Armed Forces, to Have the Payments On Their Homes Deferred Until They Are Discharged from the Armed Forces or Released from Active Duty With the United States Government; That the United States Government Pay All Interest Accruing from the Time the Serviceman Enters the Service Until the Time of Discharge from Service; and That After Discharge from the Armed Forces or Release from Active Duty, the Serviceman Resume Payments and Interest Thereafter Accruing.

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To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, the induction of many of our young men who have recently contracted for the purchase of homes has the effect of disrupting their economic status and imposes a financial hardship upon them and their families.

NOW, THEREFORE, BE IT RESOLVED that this legislative assembly does most respectfully urge the eighty-second congress of the United States that the said congress pass an act enabling those who are called or volunteer for service and who are serving in the armed forces to have the payments on their homes, whether rural or urban, deferred until they are discharged or released from active duty, provided such loans were completed at least six (6) months prior to enlistment or induction and that the United States government shall pay all interest accruing from the time of entering service until a date ninety (90) days subsequent to the time of discharge or release from the service, provided, however, that such deferment of payments and government payment of interest shall not apply except during such time as dependents of said serviceman reside in said home, and further, that these provisions shall not apply to income property; and that the serviceman upon the expiration of ninety (90) days after discharge from the armed forces or release from active duty or upon re-enlistment shall resume the payments and interest thereafter accruing.

BE IT FURTHER RESOLVED that duly attested copies of this memorial be transmitted to both houses of congress, to the Honorable Zales N. Ecton, and the Honorable James E. Murray, United States senators for the State of Montana and the Honorable Wesley A. D'Ewart and the Honorable Mike Mansfield, United States representatives in congress for the State of Montana.

Approved March 5, 1951.

HOUSE JOINT MEMORIAL NO. 3

A Joint Memorial to the President and the Congress of the United States, Urging the Enactment of Legislation Making Adequate Provision for the Dependents of Members of the Armed Services of the United States on Active Duty During the Continuance of the Present National Emergency, and Providing a Moratorium for the Benefit of Members of Such Armed Services Who Have

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Established Themselves in Homes and Are Indebted on Account Thereof to Loan Agencies of the Federal Government.

WHEREAS, since June 25, 1950, a large number of our youth have been engaged on active duty in the Korean war and other military activities in conjunction therewith; and

WHEREAS, since the beginning of the Korean war our entire military establishment, including our forces in Europe, has been on at least a quasi-war footing; and

WHEREAS, with the remobilization of our armed services many thousands of our young men are being called from private life into active duty in our armed forces; and

WHEREAS, many men who served during the hostilities of World War II are being recalled and will be recalled in increasing numbers, many of them having since their discharge established themselves in homes and in gainful employment, in business, or in professions; and

WHEREAS, there are now in our armed services many men with wives and/or children or dependent parents, and the number of men with dependents will constantly increase as remobilization progresses; and

WHEREAS, the allowances now made by the acts of congress to the dependents of the members of our armed services of the enlisted grade are grossly inadequate to enable such dependents to maintain their accustomed social and economic standards, to say nothing of making periodical payments on indebtedness incurred in the acquisition of homes; and

WHEREAS, it is inconsistent with the dignity and prestige of the United States of America, and with our democratic ideals, that in addition to the heartbreak and mental anguish resulting from the disruption of their home life that these dependents should become underprivileged citizens in a land of plenty, and suffer not only hardship but humiliation in not being able to maintain the standards of living enjoyed by their compeers; and

WHEREAS, it is of the greatest public interest to the people of this country that the children of our fighting men should have the care of their mothers, and that mothers be not compelled to leave their children, now of tender years, in the hands of others while they work, perhaps at some menial employment, in order to provide them with the necessities of life; and

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WHEREAS, the adequacy or inadequacy of the allowances to these dependents has a direct effect upon the morale of these, our fighting men; and

WHEREAS, the people of this country are ready and willing to pay in taxes the billions of dollars necessary to maintain an adequate defense, and are likewise ready and willing to pay further billions if necessary in order to make proper provision for the dependents of the men whose bodies are interposed between us and our enemies;

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-second legislative assembly of the State of Montana, the senate concurring:

That we urge the congress of the United States to enact, and the president of the United States to approve, legislation making adequate provision for the dependents of the enlisted personnel while serving on active duty after June 25, 1950, to enable such dependents to maintain standards of living consistent with our democratic principles, and adjusting the pay of the grades above the enlisted grade so that those serving in those grades may likewise maintain their families according to such standards; all such provisions to take effect as of June 25, 1950, and to continue in effect during the present national emergency;

That we also urge the enactment of legislation providing a moratorium upon obligations of members of our armed services to any agency of the United States, to the end that these members of our armed services will not, in addition to the inescapable hardships of war, lose the homes which mean so much in their lives and the lives of their dependents, and to which the men in the embattled zones may look for future enjoyment when restored to a civilian status;

AND BE IT FURTHER RESOLVED that copies of this memorial, under the great seal of the State of Montana, be sent to the president of the United States and to each member of the congress of the United States, and that copies be sent to the secretaries of state of the other states of the union for presentation to their legislatures when in session.

Approved March 5, 1951.

HOUSE JOINT MEMORIAL NO. 6

A Joint Memorial of the House of Representatives and the Senate

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of the State of Montana; to the Congress of the United States; to the Honorable United States Senators, Zales N. Ecton and James E. Murray; and to the Honorable Representatives in Congress, Wesley A. D'Ewart and Mike Mansfield; Relating to Suspension of Annual Representation Work on Unpatented Mining Claims for Holders of Such Claims Who Have Been or May Be Called Into Military Service.

WHEREAS, the owner of an unpatented lode or placer mining claim located upon the public domain of the United States within the State of Montana is required to perform annual representation work or make improvements thereon under the mining laws of the United States in order to prevent the forfeiture of such claim, and

WHEREAS, many Montana persons owning such claims have been, or may be called into the federal service as members of the army, navy, marine corps or coast guard of the United States of America, or as officers of the public health detailed by proper authority for duty with either the army or navy, or as members of the Red Cross on active duty with the armed services of the United States, or in training or being educated under the supervision of the United States preliminary to induction into the military service thereof, and

WHEREAS, such persons, while so engaged will be unable to perform such annual representation work or make the required improvements on such claims to conform to said laws, or such performance may work unnecessary hardship upon them while so engaged,

NOW THEREFORE, BE IT RESOLVED, by the thirty-second legislative assembly of Montana of 1951 now in session, the house of representatives and senate concurring, that we do most earnestly pray that the congress of the United States suspend the requirements that such owners perform such annual work or make such improvements until the year beginning July first following their discharge or release from the respective services aforesaid;

BE IT FURTHER RESOLVED: That copies of this memorial be transmitted by the secretary of the State of Montana to the senate and house of representatives of the congress of the United States, and to the senators and representatives in congress from the State of Montana.

Approved February 28, 1951.

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HOUSE JOINT MEMORIAL NO. 7

A Memorial to the President and the Congress of the United States; and to General George C. Marshall, Secretary, Department of Defense; Major General Lewis B. Hershey, Director, Selective Service; Urging the Congress of the United States to Enact Proper Legislation to Amend the Present Selective Service Act for the Deferment of Married Men With Children Into the Armed Forces Until All Single Men and Nonfathers in Every State Have Been Called First.

To the President of the United States and to the Honorable Senate and House of Representatives of the United States in Congress Assembled, and to General George C. Marshall, Secretary, Department of Defense, and Major General Lewis B. Hershey, Director, Selective Service,

WHEREAS, there is need of a uniform policy for the drafting of men in the armed forces by the selective service; and

WHEREAS, in the past experience of drafting men during World War II, married men in Montana were drafted long before married men were drafted in many other states; and

WHEREAS, we citizens of Montana do not wish a repetition of the above conditions by having our married men with children drafted in the armed forces before all available manpower in the previous classification has been drafted in the other states;

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the thirty-second legislative assembly of the State of Montana, the senate concurring, that we respectfully urge the congress of the United States to enact proper legislation to amend the present selective service act by creating a national pool of manpower for the purpose of uniform selection of men into our armed forces; and,

BE IT FURTHER RESOLVED, that no state shall be required to send married men with children into the armed forces until all states shall be uniformly required to do likewise.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the chief clerk of the house to the president of the United States, to the vice-president of the United States, to the speaker of the house of representatives of the United States and to the senators and representatives in congress from the State of Montana.

Approved March 5, 1951.

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HOUSE JOINT MEMORIAL NO. 8

A Memorial to the Congress of the United States of America; to the Honorable Zales N. Ecton and James E. Murray, United States Senators; and to the Honorable Wesley A. D'Ewart and Mike Mansfield, Representatives in Congress; and to the Honorable Oscar L. Chapman, Secretary of the Interior; Requesting That the Eighty-second Congress Enact Legislation Appropriating Money to the Department of the Interior for the Study and Control of Noxious Weeds on Lands Under the Jurisdiction of the United States.

WHEREAS, the problem of weed control is one of concern in all the agricultural and grazing areas of the nation and the State of Montana, in common with other agricultural states, is devoting efforts to the control and extermination of noxious weeds; and

WHEREAS, it is essential to the success of the efforts of the State of Montana to control and exterminate weeds that those areas in the state which are owned or controlled by the United States government be brought under a comprehensive program of weed extermination in which the states and the federal government shall cooperate in programs for the control of weed pests;

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the State of Montana, the senate concurring, that we respectfully urge the congress of the United States to appropriate for the use of the department of the interior or such other federal agency as may be deemed best qualified, a sum of money sufficient for and to be used in the study of noxious weeds on lands under the jurisdiction of the United States and for the purpose of formulating and carrying out a program for the extermination of such weeds in areas owned or controlled by the federal government.

Approved February 28, 1951.

HOUSE JOINT RESOLUTION NO. 1

A Joint Resolution of the House of Representatives of the Thirty-second Legislative Assembly of the State of Montana, the Senate Concurring, Ratifying Proposed Amendment to the Constitution of the United States Relating to the Terms of Office of the President of the United States.

BE IT RESOLVED by the house of representatives of the thirty-second legislative assembly of the State of Montana, the senate concurring therein:

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WHEREAS, by joint resolution of the senate and house of representatives of the congress of the United States of America the following article was proposed as an amendment to the constitution of the United States:

"ARTICLE"

"Section 1. No person shall be elected to the office of the president more than twice, and no person who has held the office of president, or acted as president, for more than two (2) years of a term to which some other person was elected president shall be elected to the office of president more than once. But this article shall not apply to any person holding the office of president when this article was proposed by the congress, and shall not prevent any person who may be holding the office of president, or acting as president, during the term within which this article becomes operative from holding the office of president or acting as president during the remainder of such term.

"Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the constitution by the legislatures of three-fourths (¾) of the several states within seven (7) years from the date of its submission to the states by the congress;" and

WHEREAS, it is provided by the above articles that it shall be valid to all intents and purposes as part of the constitution when ratified by the legislature of three-fourths (¾) of the several states;

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the State of Montana, the senate concurring therein, that the foregoing proposed amendment to the constitution of the United States of America be, and the same is hereby ratified by the thirty-second legislative assembly of the State of Montana; and

BE IT FURTHER RESOLVED, that certified copies of this joint resolution be forwarded by the governor of this state, to the secretary of state of the United States of America, to the president of the senate, and to the speaker of the house of representatives of the congress of the United States.

Approval withheld.

HOUSE JOINT RESOLUTION NO. 2

A Joint Resolution of the House of Representatives of the Thirty-

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second Legislative Assembly of the State of Montana, the Senate Concurring, Commending and Endorsing the Action of the Congress of the United States in Branding Communist China an Aggressor and Opposing the Admission of Communist China Into Membership of the United Nations and Further Recommending That Said Congress Take Further Action Requesting Economic Sanctions Be Imposed Upon Communist China By All the Countries of the United Nations.

Be it Resolved by the House of Representatives of the State of Montana, the Senate Concurring Therein:

WHEREAS, the country of Communist China has been guilty of flagrant and naked aggression in its invasion of Korea and

WHEREAS, said country of Communist China shows no evidence of being a peaceful nation, nor of abiding by the dictates of international law and

WHEREAS, said country of Communist China persists in its open defiance of the United Nations and has clearly shown that it is not a peaceful and law-abiding member of the countries of the world, but on the contrary has been and continues to be guilty of international banditry;

NOW THEREFORE BE IT RESOLVED, by the house of representatives of the State of Montana, the senate concurring therein, that we do hereby most heartily commend the congress of the United States of America for its action in requesting the United Nations to brand Communist China as an aggressor against the peoples of the world and we do further commend said congress for its action in voicing its sentiment to the United Nations that said country of Communist China be not admitted into membership in the United Nations.

BE IT FURTHER RESOLVED, that we most respectfully urge the congress of the United States to advise the United Nations that such congress urges and requests the said United Nations to cause to be imposed against Communist China, economic sanctions to the end that no member country of the United Nations shall, in any manner, conduct trade with Communist China, nor will any such member nation furnish to Communist China any supplies of any kind or nature whatsoever.

BE IT FURTHER RESOLVED, that certified copies of this joint resolution be forwarded by the governor of this state to the secretary of state of the United States of America, to the president of

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the senate, and to the speaker of the house of representatives of the congress of the United States.

Approved February 10, 1951.

HOUSE JOINT RESOLUTION NO. 3

A Joint Resolution Recognizing the Contribution to the State of Montana Made By the Helena Junior Chamber of Commerce in Providing Flood Lights for the Dome of the State Capitol and Expressing Gratitude for the Contribution and Installation of the Flood Lights.

Be it Resolved by the House of Representatives of the Thirty-second Legislative Assembly of the State of Montana, the Senate Concurring:

WHEREAS, the Helena Junior Chamber of Commerce, member organization of the Montana State Junior Chamber of Commerce, through its membership solicited funds for the purchase and installation of flood lights for the illumination of the dome of our state capitol, and

WHEREAS, the illumination of the dome of the capitol has made it visible throughout the Helena valley and an inspiration to all of the citizens of Montana who see it, and

WHEREAS, Carl W. (Chuck) Johnson and Joe Gangner of Helena, volunteered their services as electricians and installed the flood lights as their contribution;

NOW, THEREFORE, BE IT RESOLVED, that the thirty-second legislative assembly of the State of Montana, the house of representatives and senate concurring, hereby extend its thanks and appreciation on behalf of the people of Montana to the Helena Junior Chamber of Commerce, a member organization of the Montana State Junior Chamber of Commerce, and Carl W. (Chuck) Johnson and Joe Gangner for the purchase and installation of flood lights for the dome of the state capitol in Helena, Montana.

BE IT FURTHER RESOLVED, that the governor of the State of Montana be, and he is hereby authorized and directed to forward duly certified copies of this resolution to the Helena Junior Chamber of Commerce, to the Montana State Junior Chamber of Commerce, to Carl W. (Chuck) Johnson and Joe Gangner of Helena, Montana.

Approved February 13, 1951.

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HOUSE JOINT MEMORIAL NO. 4

A Memorial to the Hon. Harry S. Truman, President of the United States; the Hon. John W. Bonner, Governor of the State of Montana; the Hon. Charles E. Wilson, Director, Office of Defense Mobilization; the Hon. William Henry Harrison, Administrator, National Production Authority; the Hon. Earl J. McGrath, Commissioner, United States Office of Education; National Association of Manufacturers, National Congress of Parents and Teachers, National School Boards Association and National Education Association, Requesting That a Top Priority, Second Only to Military Needs of the United States, for Equipment, Supplies, School Busses and Building Materials Be Given to Schools.

WHEREAS, our military leaders tell us that the war of ideologies is the most effective weapon we have, and

WHEREAS, our statesmen tell us that our schools are our first line of defense in our battles of ideologies, and

WHEREAS, our children must be educated on even a more efficient level during the present emergency, and

WHEREAS, the biggest responsibility of the schools during this emergency is the daily responsibility for the education of our children, and

WHEREAS, from 1932 to 1940 schools were not financially able to purchase needed equipment and construct buildings during the depression and during World War II were unable to obtain the materials for equipment and buildings, and

WHEREAS, there is a tremendous backlog of needs for buildings, equipment and school busses, and

WHEREAS, this equipment and these buildings are the safest structures and equipment within the community during a catastrophe,

BE IT RESOLVED, that the legislature of the State of Montana urge that after the major military needs of the United States of America have been met, a top priority for equipment, supplies, school busses and building materials be given to schools on the premise that next to the importance of protecting the citizens of the nation stands the educational training of the nation's youth, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to: The Hon. Harry S. Truman, president of the United States; the Hon. John W. Bonner, governor of the State of Mon-

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tana; the Hon. Charles E. Wilson, director, office of defense mobilization; the Hon. William Henry Harrison, administrator, national production authority; the Hon. Earl J. McGrath, commissioner, United States office of education; National Association of Manufacturers, National Congress of Parents and Teachers, National School Boards Association and National Education Association.

Approved February 27, 1951.

HOUSE JOINT MEMORIAL NO. 5

A Memorial to the Congress of the United States of America; to the Honorable United States Senators Zales N. Ecton and James E. Murray; and to the Honorable Representatives in Congress Wesley A. D'Ewart and Mike Mansfield; and to the Honorable Oscar L. Chapman, Secretary of the Interior; Requesting That the Eighty-second Congress Introduce and Pass an Act Eliminating All Present Discriminatory Laws Pertaining to Indians; Transfer to the State of Montana and Its Subdivisions Certain Enumerated Activities and Transfer Funds for the Purposes of Expediting These Activities.

WHEREAS, the American Indians of Montana are now subjected to various discriminatory laws and practices administered by the bureau of Indian affairs, under which our first Americans are denied rights enjoyed by their fellow-citizens of other races; and

WHEREAS, the continuance of such discriminations is inconsistent with American ideals of democracy, freedom and equality; and

WHEREAS, the Indians of Montana have pleaded in vain with the bureau of Indian affairs for the ending of such discriminations;

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the State of Montana, the senate concurring, that we respectfully urge that the congress of the United States eliminate, at least with respect to the Indians of this state, all existing federal laws which discriminate against such Indians, namely, the Indian liquor laws, the laws prohibiting Indians from making long-term leases of their lands, and the laws prohibiting Indian tribes from spending their own funds as they see fit, and we specifically recommend as a step in the right direction, the prompt enactment of all

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Indian legislation in the house of representatives of the eighty-second congress of the United States;

BE IT FURTHER RESOLVED, that the secretary of the interior is respectfully urged to see that promises made by the past four commissioners of Indian affairs are actually carried out and that controls which hinder the right of Indian citizens to spend their own money, to lease their own lands, to hire their own attorneys, and to run their own businesses should be promptly eliminated;

BE IT FURTHER RESOLVED, that we urge the congress and the secretary of the interior, in their respective fields of jurisdiction, to turn over to the State of Montana and its subdivisions any of the following activities which, in the opinion of the Indian tribes concerned, can best be handled under agreements with the appropriate state authorities:

(1) Education;

(2) The administration of law and order (without prejudice to existing Indian rights);

(3) The management of reservation hospitals and health services;

(4) The maintenance of reservation roads;

(5) Resource management and agricultural extension work;

BE IT FURTHER RESOLVED, that the congress is respectfully requested to authorize the transfer to the appropriate state, local or tribal authorities of funds for any of the foregoing purposes, not in excess of the average funds appropriated for such purposes during the past five years, whenever agreements satisfactory to the tribes concerned and to the appropriate state agencies have been concluded;

BE IT FURTHER RESOLVED, that copies of this memorial be forwarded by the secretary of state of the State of Montana to the congress of the United States; the Honorable Oscar L. Chapman, secretary of the interior: the Honorable Senators Zales N. Ecton and James E. Murray, senators from the State of Montana; the Honorable Wesley D'Ewart, congressman from the second congressional district; and the Honorable Mike Mansfield, congressman from the first congressional district; and to each of the Indian tribes of the State of Montana.

Approved February 28, 1951.

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HOUSE JOINT RESOLUTION NO. 6

A Joint Resolution to the Governor of the State of Montana Requesting the Appointment of a Commission to Negotiate the Columbia River Compact.

WHEREAS, it appears that during the session of the eighty-second congress of the United States and before the legislature of the State of Montana next meets, a bill will be introduced in the congress consenting to the negotiating of a compact by the states of Idaho, Nevada, Oregon, Utah, Washington, Wyoming and Montana providing for an equitable division and apportionment of the waters of and the hydroelectric power to be generated from the Columbia river and all of its tributaries in the states entering into such compact and for matters incidental thereto;

NOW, THEREFORE BE IT RESOLVED, by the house of representatives of the State of Montana, the senate concurring, that the governor of the State of Montana is hereby requested and authorized to appoint a commission to negotiate a compact with like commissions from the states of Idaho, Nevada, Oregon, Utah, Washington and Wyoming, under and in pursuance of any legislation that may be enacted and approved by the congress of the United States, providing for an equitable division and apportionment of the waters of and the hydroelectric power to be generated from the Columbia river and all of its tributaries in the states entering into such compact and for matters incidental thereto, providing, however, that such compact shall not be binding or obligatory upon the State of Montana unless and until the same shall have been approved by the legislature of the State of Montana.

Approved February 23, 1951.

SENATE JOINT MEMORIAL NO. 1

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States and to the Honorable James E. Murray, and Zales N. Ecton, United States Senators from Montana, and to the Honorable Mike Mansfield and Wesley A. D'Ewart, Representatives in Congress from Montana, Requesting That Congress Continue and Enhance Its Program of Rehabilitation of the Landless Indian in Montana, Known as Non-wards.

WHEREAS, before World War II the government of the United States had undertaken a program of rehabilitating the landless

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Indians in Montana, which program was interrupted by the outbreak of the war and has not since been resumed, and

WHEREAS, many Montana Indians, who for the most part reside on the outskirts of various cities and towns in the state, are ill-fed, ill-clothed, and their living conditions are deplorable, in that said Indians do not receive the common necessaries of life;

NOW, THEREFORE, BE IT RESOLVED, by the thirty-second legislative assembly of Montana of 1951 now in session, the senate and house of representatives concurring, that we do most earnestly pray that the congress of the United States resume and continue an adequate program of relief for the non-ward Indians, commonly known as the "landless" Indians, of Montana, to the end that said Indians may ultimately become self-supporting, and may in the meantime not be denied the common necessaries of life;

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the senate and house of representatives of the congress of the United States, and to the senators and representatives in congress from the State of Montana.

Approved February 1, 1951.

SENATE JOINT MEMORIAL NO. 2

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Public Roads Administration of the Federal Works Agency, Petitioning That Said Administration Exert Its Best Offices to the End That the Construction of the Bridge on Federal Aid Route No. 19, Across the Missouri River at a Point of Choice Between Wilder and the Power Plant Ferry May Be Expedited, Whenever Funds Become Available.

WHEREAS, under and by virtue of the provisions of the federal aid highway act of 1916, and subsequent amendments thereof, there was approved what has been designated federal aid route No. 19, authorizing the construction of a federal aid highway extending from the city of Malta, Montana, through Fergus county, Montana, which project included the construction of a bridge across the Missouri river, at a point of choice between Wilder and the Power Plant ferry, and

WHEREAS, the construction of said bridge is lagging to the serious detriment of the traveling public as a whole.

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NOW, THEREFORE, BE IT RESOLVED, that the thirty-second legislative assembly of the State of Montana, the senate and house concurring, does hereby request and petition that the public roads administration of the federal works agency exert its best offices to the end that the construction of the bridge over the Missouri river, at a point of choice between Wilder and the Power Plant ferry may be expedited, whenever funds become available, and

BE IT FURTHER RESOLVED, that a copy of this memorial be sent to the senators and representatives of Montana in congress, also to the public roads administration of the federal works agency.

Approved January 30, 1951.

SENATE JOINT MEMORIAL NO. 3

A Joint Memorial of the Senate and House of Representatives of the State of Montana Memorializing the Congress of the United States to Amend the Selective Service Act of 1948 to Eliminate the Deferment from Service in the Armed Forces of Persons Conscientiously Opposed to War.

WHEREAS, there exist within several counties of the State of Montana groups of persons who contend that by reason of religious training and belief their members are conscientiously opposed to participation in both combatant and non-combatant training and service in the armed forces of the United States; and

WHEREAS, in several of such counties the members of such groups constitute a considerable proportion of the total population; and

WHEREAS, appeals from classifications by local selective service boards are now pending by or on behalf of members of such groups who are subject to the provisions of the selective service act, some of which appeals, as we are informed, have been pending since 1948; and

WHEREAS, if such persons are classified in class IV-E as being conscientiously opposed to both combatant and non-combatant service they will be deferred from service to the United States of any kind; and

WHEREAS, the delays in processing the aforesaid appeals have resulted and will result in the induction in the armed services from the aforesaid counties of a disproportionately large number of registrants who have not claimed deferment; and

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WHEREAS, it is the concensus of the legislative assembly that opposition to war, whether based upon religious training and belief or otherwise, should not exempt any person from the obligation of serving the United States in time of need.

NOW, THEREFORE, BE IT RESOLVED, by the thirty-second legislative assembly of the State of Montana, the senate and house of representatives concurring, that the congress of the United States be, and it is hereby, petitioned to amend the selective service act of 1948, as amended, by eliminating those provisions of such act which provide for the deferment of persons conscientiously opposed to participation in both combatant and non-combatant training and service in the armed forces, to the end that all persons otherwise subject to induction shall be required to serve in the armed forces of the United States on combatant or non-combatant duty notwithstanding their claimed conscientious opposition to war in any form;

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the president of the United States; the Honorable James E. Murray and the Honorable Zales N. Ecton, senators from Montana; and the Honorable Mike Mansfield and Honorable Wesley A. D'Ewart, congressmen from Montana.

Approved February 20, 1951.

SENATE JOINT MEMORIAL NO. 4

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States and to the Honorable James E. Murray, and Zales N. Ecton, United States Senators from Montana, and to the Honorable Mike Mansfield and Wesley A. D'Ewart, Representatives in Congress from Montana, Requesting the Introduction and Enactment Into Law of the Necessary and Proper Legislation Authorizing Government Hospitals Which Are Designated as Indian Hospitals to Accept Non-ward Indians as Patients.

WHEREAS, some government hospitals which are designated as Indian hospitals do not now admit non-ward Indians as patients, and

WHEREAS, non-ward Indians are not now receiving proper medical aid in Montana, and government hospitals if open to such non-ward Indians would provide adequate aid,

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NOW, THEREFORE, BE IT RESOLVED, by the thirty-second legislative assembly of Montana of 1951 now in session, the senate and house of representatives concurring, that we do most earnestly pray that the congress of the United States introduce and enact into law the necessary and proper legislation authorizing government hospitals which are designated as Indian hospitals to accept non-ward Indians as patients.

Approved February 2, 1951.

SENATE JOINT MEMORIAL NO. 5

A Memorial to Harry S. Truman, President of the United States; James E. Murray and Zales N. Ecton, Senators for Montana; Joseph C. O'Mahoney and Lester C. Hunt, Senators for Wyoming; Carl Hayden, Senator for Arizona and Chairman of the Senate Appropriations Committee; Mike Mansfield and Wesley D'Ewart, Congressmen for Montana; William Harrison, Congressman for Wyoming; Clarence Cannon, Chairman of House Appropriations Committee; Oscar Chapman, Secretary of Interior; Michael Straus, Commissioner of Reclamation; Dillon Meyer, Commissioner of Indian Affairs; Frank Pace, Jr., Director of the Budget, Requesting the Introduction and Enactment Into Law of the Necessary and Proper Legislation Authorizing That Sufficient Appropriations Be Provided the Bureau of Reclamation for the Immediate Construction of Yellowtail Dam Located in Big Horn County in Southern Montana.

WHEREAS, Yellowtail dam site is located on the Big Horn river in Big Horn county, in southeastern Montana, and the Yellowtail dam will be constructed across the Big Horn river about three-fourths of a mile above the mouth of Big Horn canyon — about thirty-five miles southwest of Hardin, Montana, and forty-four miles southeast of Billings, Montana, and

WHEREAS, the bureau of reclamation was authorized by section 9 for the flood control act of 1944, as an integral part of the Missouri river basin project to prepare preliminary surveys for the construction of Yellowtail dam, and

WHEREAS, the bureau of reclamation has completed pre-construction surveys, and work necessary for full construction work, and said surveys — including those of the bureau of Indian affairs, the public power commission, and other interested federal agencies — are now in the hands, or are ready to be placed in the hands

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of the secretary of the interior, the Honorable Oscar Chapman, to be presented by him to the congress and the president of the United States, and

WHEREAS, our nation is now, of necessity, embarking upon a period of re-armament and defense planning, the ultimate end of which, no man can foresee, and

WHEREAS, electrical energy is of the greatest importance in any defense industry. Already, and with industrial mobilization only just beginning, there is consideration being given to the necessity of enforcing electrical 'brown-outs' in certain areas, and

WHEREAS, there is remaining, no potential, and undeveloped power site comparable to Yellowtail dam. The Yellowtail power plant, as projected, will have an installed capacity of 200,000 kilowatts with an estimated annual firm energy capacity averaging 584,000,000 kilowatt hours. In addition to this firm energy, this Yellowtail power plant is expected to have an average annual non-firm energy output of 163,920,000 kilowatt hours, bringing the average total estimated production to approximately 748,000,000 kilowatt hours, and

WHEREAS, irrigation is one of the additional important contributions, Yellowtail dam will make to the economy of the area, and that of the nation as a whole. Approximately 45,000 acres of irrigable land will be placed under the ditch by waters made available by Yellowtail dam. In addition, there are a number of desirable pumping units along the Big Horn, Tongue, Powder, and Yellowstone rivers that will be made feasible by low cost power derived from Yellowtail dam, which will serve to irrigate some 180,000 additional acres, or an approximate total of 225,000 acres of fertile land will be brought into production of food essential to our nation's on-coming war-time needs, and

WHEREAS, Montana has an immense — and mostly undeveloped mineral wealth — that should be contributing to our nation's defense program. (Herbert Hoover has stated that Montana possesses a greater mineral potential than the U. S. S. R.). The time may come, before this emergency shall pass, when Montana's minerals may be desperately needed. The low cost power, that Yellowtail dam will provide, will be a tremendous asset in bringing these minerals to a usable stage, and

WHEREAS, Yellowtail dam, in addition to providing hydro-electric power and irrigation will also bring a vast contribution to flood control, silt and soil control, conservation of fish and wild life,

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recreational development, and other related and beneficial uses too numerous to mention for the benefit of all mankind, and

WHEREAS, Yellowtail dam will be an arch-type, concrete structure, towering about 500 feet above the river bed, with a crest of 1,480 feet, and a storage capacity of some 1,366,000 acre-feet, and will flood about 27 square miles of almost totally unusable land. The lake so created by Yellowtail dam will extend for 75 miles through tortuously winding, steeply walled canyons, flooding land that is of no economic value. Yellowtail dam will be exceeded in size, only by Boulder, Shasta, Grand Coulee, and Hungry Horse in the order named, and will cost approximately $100,000,000.00, which, by the sale of power, irrigation, and other benefits will be repaid to the federal treasury through a fifty year period, and

NOW, THEREFORE, BE IT RESOLVED, by the thirty-second legislative assembly of Montana of 1951 now in session, the senate and house of representatives concurring, that the congress of the United States be respectfully urged and requested to make such funds immediately available that may be necessary to start construction of Yellowtail dam in Big Horn county in southeastern Montana at once, and

BE IT FURTHER RESOLVED: That the Crow tribe, upon whose lands the site of Yellowtail dam is situated, be adequately and fairly compensated for the site at a price agreed upon by the federal power commission, the bureau of Indian affairs, the bureau of reclamation; and the Crow tribe, and

BE IT FURTHER RESOLVED: That a copy of this Yellowtail dam memorial be submitted by the secretary of state, Sam Mitchell of the State of Montana to: the president of the senate, Mr. Alben Barkley; the speaker of the house of representatives, Mr. Sam Rayburn; the governor of the State of Wyoming, Paul Barrett; the president of the senate and the speaker of the house of representatives of the legislative assembly of the State of Wyoming; the regional director of the bureau of Indian affairs, Paul Fickinger; the regional director of land management, Albin Molohon; the regional director of the bureau of reclamation, Kenneth Vernon; and the district director of the bureau of reclamation, D. C. Ketcham.

Approved February 2, 1951.

SENATE JOINT MEMORIAL NO. 6

A Joint Memorial of the Senate and the House of Representatives

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of the State of Montana to the Congress of the United States and to the Honorable James E. Murray and Zales N. Ecton, United States Senators from Montana, and to the Honorable Mike Mansfield and Wesley A. D'Ewart, Representatives in Congress from Montana, Requesting That the Congress of the United States, in Providing Funds for Planning and Construction of the Libby Dam and Other Similar Federal Projects in Montana That May Be Approved, Make Provision for Replacing Tax Income Losses and for Payments in Lieu of Taxes to Local and State Governments: for Adequate Roads to Replace Those Destroyed, and for Federal Participation in Providing Adequate School Facilities, Policing, and Relief to Unemployed During the Period of Planning and Construction.

WHEREAS, the president of the United States has requested congress to appropriate two hundred thousand dollars ($200,000.00) for planning the previously-approved Libby dam on the Kootenai river in Lincoln county, Montana, preliminary to appropriations for construction of this project of the army corps of engineers; and

WHEREAS, the citizens of Lincoln county neither requested nor generally desire that this dam be constructed, and will be faced with serious economic and social problems due to loss of taxable private property, the disruption of transportation systems, and increased school, policing, and relief costs; but will share little of the benefits of the project, which will largely be derived by downstream areas and the nation at large; and

WHEREAS, the pattern developed for public sharing of indirect and incident costs of this project may set a precedent for future similar projects in Montana;

NOW, THEREFORE, BE IT RESOLVED, that the thirty-second legislative assembly of Montana of 1951 now in session, the senate and house of representatives concurring, do most earnestly request that the congress of the United States, in providing appropriations for the planning and construction of the Libby dam and other similar federal projects in Montana in the future, provide that the United States government or its agency entrusted with planning and construction shall:

1. Provide continuing adequate payments to replace tax income losses to county and state governments resulting from the removal or decrease of property valuations on the tax-rolls.

2. Provide continuing payments in lieu of taxes to county and state governments equal to the tax revenue that would have been derived from the same project under private ownership.

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3. Require that highways and roads in the flowage area be replaced by new transportation facilities on the basis of services-in-kind rather than roads-in-kind; thus in most cases providing roads on each side of the reservoir to replace the services previously provided both sides of a valley by a single road in the valley floor.

4. Provide ample school facilities during the planning and construction period for children of government personnel and construction workers not previously resident in the area.

5. Bear the additional cost occasioned by the project of policing temporary towns and adjacent areas during the construction period.

6. Share the cost of necessary relief provided for unemployed persons and their families during slack periods of construction and for excess workers attracted to the area.

BE IT FURTHER RESOLVED: That copies of this memorial be transmitted by the secretary of the state of Montana to the senate and house of representatives of the congress of the United States and to the senators and representatives in congress from the State of Montana.

Approved February 28, 1951.

SENATE JOINT MEMORIAL NO. 7

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States, United States Senators James E. Murray and Zales N. Ecton, and Representatives Mike Mansfield and Wesley A. D'Ewart, all of Washington, D. C., Requesting the Enactment of Legislation, Allowing for and Directing the Annual Payment of Grants by the United States Government to the State of Montana for the Use and Benefit of the Several Counties of Montana in Lieu of Taxes on Lands Owned by the United States Government in the State of Montana.

WHEREAS, in Montana there is in excess of thirty-nine percent (39%) of our landed area which is owned by the government of the United States, so held by it in proprietory or trustee capacity for Indian reservations, forest reserves, wild-life refuge, grazing lands, military reservations, and numerous other governmental purposes and objects, none of which lands pay taxes to the State of Montana or the counties therein, nor contribute equitable amounts in lieu of taxes to the school districts, counties and state govern-

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ment, all of which furnish services to such lands and their occupants; and

WHEREAS, such areas are increasing, and the taxation burdens upon sparsely settled communities of our state are becoming more serious; and

WHEREAS, these areas should bear some part of the tax burden comparable to that imposed on lands of our own taxpayers; and

WHEREAS, there has been and will be introduced in the congress of the United States acts under which the government of the United States will pay to the several states of the United States for the benefit of counties wherein government held lands are located, grants in lieu of taxes upon these lands;

NOW, THEREFORE, BE IT RESOLVED, by the thirty-second legislative assembly of the State of Montana, senate and house of representatives concurring, that we respectfully urge the enactment of legislation by the congress of the United States providing for the evaluation of property owned or held by the United States government and providing for payments or grants to the State of Montana for the use and benefit of the counties wherein government held lands are located, in lieu of taxes upon these lands; and

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of state of Montana to the senate and house of representatives of the United States congress and to Senators James E. Murray and Zales N. Ecton and Representatives Mike Mansfield and Wesley A. D'Ewart.

Approved February 28, 1951.

SENATE JOINT MEMORIAL NO. 8

A Joint Memorial of the Senate and House of Representatives of the State of Montana Memorializing the Congress of the United States to Prohibit the Further Expenditure of Public Funds to Construct, Maintain and Operate Transmission Lines to Be Used in the Exportation of Public Power Beyond the States, the Area or Any Part of Which Lie Within the Columbia River Basin Unless and Until the States Wherein Said Power is Being or is to Be Produced and the United States Shall Provide Therefor, Pursuant to Interstate Compact or Compacts.

WHEREAS, Bonneville power administration, and the United States bureau of reclamation are currently planning the construc-

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tion of public power transmission lines designed to carry public power generated within the basin of the Columbia river and its tributaries to points beyond said basin; and

WHEREAS, Bonneville power administration is currently surveying and acquiring rights of way for such a transmission line across central Oregon for the purpose of transporting power from public power projects located in the states of Montana, Idaho, Washington and Oregon, to the state of California; and

WHEREAS, said agencies of the federal government have not heretofore consulted said states or any agencies thereof concerning such an exportation of this very valuable natural resource; and

WHEREAS, all of the executives and all of the agencies of the federal government, including the two mentioned above, are currently proclaiming that there exists a serious power shortage in the Columbia river basin thereby admitting that there is no power available for export purposes; and

WHEREAS, the unrestricted exportation of public power beyond the states, the area or any part of which lie within the Columbia basin would do irreparable damage to the economy of the basin for the reason that neighboring areas are unable to reciprocate because they have no resource, power or otherwise, to exchange; and

WHEREAS, the unrestricted exportation of public power beyond the states, the area or any part of which lie within the Columbia basin for sale at the same price as power consumed within the basin will result in charging the basin with a portion of the cost of making said power available to neighboring areas with no corresponding benefit accruing to the states within the basin;

NOW, THEREFORE, BE IT RESOLVED, that the thirty-second legislative assembly of Montana of 1951, now in session, the senate and house of representatives concurring, do most earnestly request the congress of the United States to prohibit the further expenditure of public funds to construct, maintain and operate transmission lines to be used in the exportation of public power beyond the exterior boundaries of the states, the area or any part of which lie within the Columbia river basin unless and until the states wherein said power is being or is to be produced and the United States shall provide therefor, pursuant to interstate compact or compacts.

BE IT FURTHER RESOLVED: that copies of this memorial be transmitted by the secretary of the State of Montana, to the senate and house of representatives of the congress of the United States,

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to the senators and representatives in the congress from the State of Montana, and to the legislatures and governors of all of the states lying within the Columbia river basin.

Approved February 28, 1951.

SENATE JOINT MEMORIAL NO. 9

A Memorial to Zales N. Ecton, James E. Murray, Senators for Montana; Wesley D'Ewart and Mike Mansfield, Congressmen for Montana; Oscar Chapman, Secretary of Interior; Michael Straus, Commissioner of Reclamation; Requesting the Introduction and Enactment Into Law of the Necessary and Proper Legislation Authorizing That Sufficient Appropriations Be Provided the Bureau of Reclamation for the Completion of Moorhead Dam on the Powder River in Montana.

WHEREAS, the Moorhead dam on Powder river in Montana has been authorized by congress in section nine (9) of the flood control act of 1944; and

WHEREAS, congress has appropriated one million six hundred thousand dollars ($1,600,000.00) for the construction of the Moorhead dam; and

WHEREAS, the bureau of reclamation has completed the engineering details for the construction of the dam and a complete camp has been installed including a power plant, a water and sewer system, residences for engineers, and an access road at a cost to the United States government of one million six hundred thousand dollars ($1,600,000.00); and

WHEREAS, an overwhelming majority of the ranchers in the Powder river valley endorse this program and urgently need the storage facilities of such a reservoir to stabilize their agricultural operations.

NOW, THEREFORE, BE IT RESOLVED, by the thirty-second legislative assembly of Montana of 1951 now in session, the senate and house of representatives concurring, that the congress of the United States be respectfully urged and requested to appropriate funds for the completion of this project.

BE IT FURTHER RESOLVED, that a copy of this memorial be forwarded to Zales N. Ecton, James E. Murray, senators for Montana; Wesley D'Ewart and Mike Mansfield, congressmen for Montana; Oscar Chapman, secretary of interior; Michael Straus, com-

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missioner of reclamation; requesting the introduction and enactment into law of the necessary and proper legislation authorizing that sufficient appropriations be provided the bureau of reclamation for the completion of Moorhead dam on the Powder river in Montana.

Approved February 28, 1951.

SENATE JOINT MEMORIAL NO. 10

A Joint Memorial of the Senate and House of Representatives of the State of Montana Memorializing the Congress of the United States to Prohibit the Further Expenditure of Public Funds to Construct, Maintain and Operate Transmission Lines to Be Used in the Exportation of Public Power Beyond the States, the Area or Any Part of Which Lie Within the Missouri River Basin Unless and Until the States Wherein Said Power is Being or is to Be Produced and the United States Shall Provide Therefor, Pursuant to Interstate Compact or Compacts.

WHEREAS, in various agencies of the United States, there are and may be in the future plans for the construction of public power transmission lines designed to carry public power generated within the basin of the Missouri river and its tributaries to points beyond said basin, and

WHEREAS, surveys and acquisition of rights-of-way for the purpose of transporting power from public power projects located in the Missouri river are being made in the states of the Missouri river basin, and

WHEREAS, agencies of the federal government involved have not heretofore consulted, said states or any agency thereof concerning such an exportation of this very valuable natural resource, and

WHEREAS, executives and agencies of the federal government are currently proclaiming that there exists a serious power shortage in the Missouri river basin, thereby admitting that there is no power available for export purposes, and

WHEREAS, the unrestricted exportation of public power beyond the states, the area or any part of which lie within the Missouri river basin would do irreparable damage to the economy of the basin for the reason that neighboring areas are unable to reciprocate because they have no resource, power or otherwise, to exchange, and

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WHEREAS, the unrestricted exportation of public power beyond the states, the area or any part of which lie within the Missouri river basin for sale at the same price as power consumed within the basin will result in charging the basin with a portion of the cost of making said power available to neighboring areas with no corresponding benefit accruing to the states within the basin;

NOW, THEREFORE, BE IT RESOLVED, that the thirty-second legislative assembly of the State of Montana of 1951, now in session, the senate and house of representatives concurring, do most earnestly request the congress of the United States to prohibit the further expenditure of public funds to construct, maintain and operate transmission lines to be used in the exportation of public power beyond the states, the area or any part of which lie within the Missouri river basin unless and until the states wherein said power is being or is to be produced and the United States shall provide therefor, pursuant to interstate compact or compacts.

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the senate and house of representatives of the congress of the United States, to the senators and representatives in the congress from the State of Montana, and to the legislatures and governors of all the states lying within the Missouri river basin.

Approved February 28, 1951.

SENATE JOINT MEMORIAL NO. 11

A Joint Memorial to the Congress of the United States Requesting the Appropriation of Funds for the Oil Surfacing of the Broadus-Crow Agency Highway, Known as State Route Number 8, a Great Portion of Which Lies in the Northern Cheyenne Indian Reservation, the Crow Indian Reservation, and the Custer National Forest, in Montana, Whenever Funds Become Available.

WHEREAS, the Broadus-Crow Agency highway running from Broadus, Powder River county, Montana, to Crow Agency, Big Horn county, Montana, known as state route number 8, was long ago accepted by the Montana state highway commission and the bureau of public roads as part of the seven per cent federal highway system; and

WHEREAS, this highway runs approximately eighty miles through federal lands, namely: the northern Cheyenne Indian reservation, the Crow Indian reservation, and the Custer national forest

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and the remainder of some twenty-four miles is federal aid highway outside of any reservation; and

WHEREAS, this highway cuts through the very heart of a country rich in resources, rich in historical interest, which has long gone undeveloped because of lack of transportation facilities; where rich grasslands produce thousands of head of cattle which must be trucked long distances to market; where vast coal beds await mining and transporting from the region or conversion into liquid fuel; where millions of board feet of Ponderosa pine and other valuable timber stand ripe and ready for lumber mills and for a hungry market; where thousands of our American Indians live their daily lives and engage in the stern task of earning their daily bread and must have an outlet from the region to meet the requirements of modern life; where other thousands of white citizens are anxious to invest their money and their energy in the development of the region, and

WHEREAS, this highway has now been built and graveled, but not as yet oil surfaced, and affords a direct outlet to eastern points for many Montana products — particularly for oil and gasoline from the huge refineries at Billings and Laurel, which stand likely to transport up to 20,000,000 gallons of petroleum products over this road annually, and

WHEREAS, this highway represents a splendid job of engineering, alignment, and construction and will attract commercial travel more and more because of its directness, its easy grades and easy curves, its absence of bad hills, and as a result of this heavy travel will soon be torn to pieces unless oil surfaced, resulting further in the loss to the state and the federal government of a large part of the $2,000,000.00 already invested in the road, and

WHEREAS, this road affords a beautiful scenic highway, past picturesque buttes, through stately forests, through the homeland of the very redmen who fought Custer years ago, terminating at that tragic battlefield called "Custer's Last Stand," and will attract tourists partly because of the beauty of the route and its historic interest, partly because of the distance it saves over other routes to the wonderlands of the Rockies — which distance is cut by some sixty to eighty-five miles; and

WHEREAS, the investment in this road must by all means be protected now by oil surfacing before the road is ruined by that combination of the elements and heavy travel so destructive to graveled roads,

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NOW, THEREFORE, BE IT RESOLVED, by the senate of the State of Montana, the house of representatives concurring, that the congress of the United States be requested to provide sufficient funds for the surfacing of the Broadus-Crow Agency highway known as state route number 8, whenever funds become available.

BE IT FURTHER RESOLVED, that copies of this memorial be forwarded to each of the senators and members of the house of representatives from Montana in the congress, to Thomas H. MacDonald, commissioner, United States bureau of public roads, and to the state highway commission of the State of Montana and that all of them be hereby requested to use their best efforts to obtain the necessary funds to complete said highway in the manner aforesaid.

Approved February 28, 1951.

SENATE JOINT MEMORIAL NO. 12

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the International Joint Commission, to the Honorable A. O. Stanley, Chairman of the American Section, and to the Honorable H. G. L. McNaughton, Chairman of the Canadian Section, Requesting That the Recommendations of the Joint Commission Be Submitted to the Respective Governments at the Earliest Possible Time on the Waterton and Belly Reference.

WHEREAS, under the provisions of article XI of the boundary waters treaty, entered into on January 11, 1909, by and between the United States and the Dominion of Canada, it was agreed that any questions or matters of differences arising between the contracting parties involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada shall be referred from time to time to the international joint commission for examination and report, and

WHEREAS, under date of January 12, 1948, the governments of Canada and the United States, in accordance with the procedure provided in said article XI, united in the following reference to the international joint commission:

"1. To investigate and report on the water requirements arising out of the existing dams and other works or projects located in the waters which are of common interest along, across, or in the vicinity of the international boundary from the continental divide on the

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west up to and as far as the western limit of the St. Mary river drainage basin on the east."

"2. To report whether in the judgment of the commission further uses of these waters within their respective boundaries by Canada and the United States would be practicable in the public interest from the points of view of the two governments."

"3. Having regard to the reports made under paragraphs 1 and 2, to make advisory recommendations concerning the apportionment which should be made between Canada and the United States of such of the waters under reference as cross the international boundary."

"4. To conduct necessary investigations and to prepare a comprehensive plan or plans of mutual advantage to the two countries for the conservation, control, and utilization of the waters under reference in accordance with the recommended apportionment thereof."

WHEREAS, the legislative assembly of the State of Montana is vitally concerned that waters originating in the State of Montana should be utilized for the irrigation of arid lands within the State of Montana, and believes that the pressing necessity of the current international situation demands the utmost expedition in bringing into production all available irrigable areas in order to alleviate anticipated scarcities, and

WHEREAS, recommendations of the international joint commission must be presented to the respective governments before further action, jointly or unitarally, can be undertaken to utilize the waters under reference.

NOW, THEREFORE, BE IT RESOLVED, by the thirty-second legislative assembly of the State of Montana, of 1951, now in session, the senate and house of representatives concurring, that a request is hereby made to the international joint commission to reach an early decision upon recommended allocations for presentation to and approval by the respective governments.

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the international joint commission and to the Honorable A. O. Stanley, chairman of the American section, and the Honorable A. G. L. McNaughton, chairman of the Canadian section.

Approved February 28, 1951.

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SENATE JOINT MEMORIAL NO. 14

A Memorial to the Congress of the United States, Secretary of Commerce, the Honorable Thomas MacDonald, Commissioner of Public Roads, Senator James E. Murray, Senator Zales N. Ecton, Congressman Wesley D'Ewart, and Congressman Mike Mansfield Respectfully Urges and Petitions That Secondary and Feeder Roads, Farm-to-Market Roads, Rural Mail Routes, Public School Bus Routes, Local Rural Roads, County Roads, Township Roads, and Roads of the County-Road Class, Types of Construction Be Modified to Meet the Practical Needs of Local Areas Respective Requirements and Needs at Lower Costs of Construction and Maintenance and Providing for Cooperation With the Appropriate Local Officials, State Highway Commission, and the Bureau of Public Roads.

Be it Resolved by the Senate of the State of Montana and the House of Representatives Concurring Therein:

It is of public knowledge self-evident that an urgent need prevails for rural roads to serve rural America and that such roads can be so designed and constructed as to meet the needs of the different local areas, and

WHEREAS, not enough roads can be constructed under the present strict procedure requiring high construction costs, and

Although millions of taxpayers dollars are spent for rural roads there are counties without any so-called farm-to-market federal aid supported roads, and

WHEREAS, many counties construct practical and adequate rural roads at a cost of less than one thousand dollars per mile, and

WHEREAS, many farmers and ranchers under the present road program are necessarily compelled to construct their own rural roads, and

WHEREAS, this nation can both save millions of dollars and increase the construction of rural roads many times by cooperating with local appropriate road officials in designing and constructing rural roads by contractors or by local road officials in accordance with local needs and ability of the taxpayers to meet the costs.

NOW, THEREFORE, BE IT RESOLVED, that we respectfully appeal to and urge the congress of the United States, the secretary of commerce and the commissioner of public roads to enact laws and promulgate rules and regulations in cooperation with local road

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officials whereby all rural roads specifications and plans will be modified to meet local area requirements in accordance with accepted and recognized practical rural road construction programs of the respective rural areas, and

BE IT FURTHER RESOLVED, that the secretary of state for the State of Montana be and is hereby respectfully directed to transmit a copy of this resolution to each of the hereinafter named: secretary of the United States senate, clerk of the United States house of representatives, Senator James E. Murray, Senator Zales N. Ecton, Congressman Wesley D'Ewart, Congressman Mike Mansfield, Charles Sawyer, secretary of commerce, and the Honorable Thomas MacDonald, commissioner of public roads.

Approved February 28, 1951.

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CHANGES OF NAMES DECREED IN 1949-1950

Date of Judgment	Original Name	Name Decreed	Residence
Jan. 26, 1949	John Morris Hughes	Richard Guy Page	Gallatin County
Jan. 21, 1949	Meredith Anne Roe	Meredith Anne Morris	Gallatin County
Feb. 11, 1949	Richard Freeman	Richard Weldon Gee	Gallatin County
Feb. 28, 1949	Baby Martinz	Cheryl Lynn Hullender	Gallatin County
Mar. 28, 1949	Rose Ann Stoppler	Patricia Ann Dahl	Gallatin County
Apr. 4, 1949	Richard Larry Westerdale	Richard Larry Lewis	Gallatin County
May 11, 1949	Baby High	Donald Henry DeHaan	Gallatin County
May 19, 1949	Baby Stinger	Carol Lee Carr	Gallatin County
June 1, 1949	Roger Lee Smith	Roger Lee Rexroat	Gallatin County
Aug. 22, 1949	Baby Ritter	Winston Lee Shaw	Gallatin County
Aug. 30, 1949	Eugene Earl Milliron	Eugene Milliron Peterson	Gallatin County
Sept. 15, 1949	Baby Boy Finch	William Edwin Buckmaster	Gallatin County
Sept. 23, 1949	Baby Barker	Benjamin B. Briscoe, Jr.	Gallatin County
Oct. 24, 1949	Nadine Frances Robertson	Nadine Frances Clothier	Gallatin County
Oct. 21, 1949	David Frederick Reed	David Frederick Boldt	Gallatin County
Nov. 9, 1949	Antoinette Lee Sackett	Antoinette Lee Issac	Gallatin County
Dec. 28, 1949	Ruby Marie Jackman	Judith Elaine Nesja	Gallatin County
Apr. 4, 1949	Peter J. Alevizakes	Peter J. Ales	Billings, Mont.
Apr. 15, 1949	Frank Thomas Jasinski	Frank Thomas Jason	Billings, Mont.
July 18, 1949	Billy Earle McCain	Billy Earle Revell	Billings, Mont.
July 18, 1949	Aaron John Schulz	Allan John Schulz	Billings, Mont.
Dec. 12, 1949	Alexander Solis Gonzales	Alexander Solis	Billings, Mont.
Aug. 23, 1949	Piet Broekhuizen	George Brooks	Harlem, Mont.
May 18, 1949	Betty Jane Kemna	Betty Jane Kell	Whitefish, Mont.
Aug. 10, 1949	Bonita Gale Brunello	Bonita Gale Border	Flathead County
Sept. 21, 1949	Fritz William Witt	Fritz William Gettel	Great Falls, Mont.
Oct. 5, 1949	Paul Berthoty	Paul Berthoty Murray	Great Falls, Mont.
Mar. 3, 1949	The Montana District of the Evangelical Lutheran Synod of Missouri, Ohio and other states	The Montana District of the Lutheran Church-Missouri Synod	Great Falls, Mont.
June 29, 1949	Christian Church at Great Falls, Mont.	Central Christian Church of Great Falls, Mont.	Great Falls, Mont.
Aug. 17, 1949	Ruby Mae Galloupe	Ruby Mae Dorsey	Lewistown, Mont.
Feb. 21, 1950	Mary Lampert	Mary Aumont	Lewistown, Mont.
Jan. 28, 1949	Phillip Irwin Garner	Phillip Irwin Quinn	Lewistown, Mont.
Jan. 28, 1949	Jack Richard Osborne	Jack Richard Fisher	Lewistown, Mont.
Feb. 9, 1949	"Baby Stein"	Carol Sue MacDermond	Lewistown, Mont.
Apr. 29, 1949	William Orr	William Gore	Lewistown, Mont.
Apr. 29, 1949	Jeanette Orr	Jeanette Gore	Lewistown, Mont.
Feb. 17, 1949	Rory Wade Yenney	Grayson Wade Gaynor	Grass Range, Mont.
June 10, 1949	Ronald Clark Phippen	Ronald Clark Casteel	Lewistown, Mont.
June 8, 1949	Camille B. Couch	Camille B. Smith	Lewistown, Mont.
June 24, 1949	Ronald John Hakensen	Ronald John VanHee	Lewistown, Mont.
Sept. 8, 1949	Beulah Leanore Tillotson	Beaulah Leanore Smith	Lewistown, Mont.
Oct. 19, 1949	Michael James Darcy	Michael James Bosworth	Taft, Calif.
Dec. 13, 1949	Joyce Ann Nixon	Joyce Ann Knoop	Lewistown, Mont.
Dec. 13, 1950	Ignacy Sobczyk	John Ignacy Sobczyk Howarth	Cascade County
Oct. 11, 1950	Kyle Vernon Feathers	Kyle Vernon Hoss	Cascade County
Mar. 2, 1949	Hugh Broderick Matthews	Hugh Broderick	Helena, Mont.

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CHANGES OF NAMES DECREED IN 1949-1950

Date of Judgment	Original Name	Name Decreed	Residence
May 11, 1949	George Slocum Breed	George Solcum Eldrich	Helena, Mont.
Aug. 2, 1949	Marco Koich	Michael Samuael Koich	Helena, Mont.
June 21, 1950	Benjamin Fernandez	Benjamin J. Holmes	Helena, Mont.
June 21, 1950	Lucille Hope Fernandez	Lucille Hope Holmes	Helena, Mont.
June 21, 1950	Juliette Homes Fernandez	Juliette Holmes	Helena, Mont.
June 21, 1950	William John Osborne Holmes Fernandez	William John Osborne Holmes	Helena, Mont.
June 21, 1950	Scarlett Sally Holmes Fernandez	Scarlett Sally Holmes	Helena, Mont.
Oct. 27, 1950	Leo J. Hildensperger	Leo J. Hilden	Helena, Mont.
Dec. 15, 1950	Chester Henry Miesowicz	Chester Henry Miesowicz Nordstrom	Helena, Mont.
Dec. 23, 1950	Richard Allen Kinley	Richard Kinley Ryan	Cascade County
Feb. 8, 1950	Gwendolyn Beatrice Raby	Gwendolyn Beatrice Booth	Great Falls, Mont.
Feb. 8, 1950	Freddie Anderson Raby	Freddie Anderson Booth	Great Falls, Mont.
Mar. 29, 1950	Cologio Mangapane	Charles Mange	Black Eagle, Mont.
Apr. 19, 1950	Carol Doney	Carol Crowder	(no city) Mont.
July 22, 1950	Peggy Ann Rutherford, also known as Peggy Ann Gardner	Peggy Ann Waters	Great Falls, Mont.
July 22, 1950	Karen Ann Rutherford, also known as Karen Ann Gardner	Karen Ann Waters	Great Falls, Mont.
Oct. 11, 1950	Kyle Vernon Feathers	Kyle Vernon Hoss	Great Falls, Mont.
Oct. 20, 1950	Bertha Mary Tallman	Bertha Mary Klauzer	Cascade County
Dec. 13. 1950	Ignacy Sobczyk	John Ignacy Sobczyk Howarth	Great Falls, Mont.
Sept. 12, 1950	William Misiarowski, Jr.	William Roay, Jr.	St. Ignatius, Mont.
Sept. 26, 1950	Skandinivian Evangelic Lutheran Congregation	Polson Lutheran Church	Lake County
Sept. 25, 1950	Larry Richard Kuhnhenn	Larry Richard Gallagher	Yellowstone County
Dec. 29, 1950	Herman Damm and Paula Damm	Herman Dahm and Paula Dahm	Yellowstone County
Sept. 15, 1950	John L. Schmidt	John L. Smith	Roundup, Mont.
Feb. 20, 1950	Sandra Lea Gilkerson	Sandra Lea Border	Gallatin County
Feb. 20, 1950	Tom Moffet Gilkerson, Jr.	Tom Moffet Border	Gallatin County
Feb. 14, 1950	Carl Douglas Bromley	Carl Douglas Channel	Gallatin County
Feb. 14, 1950	Constance Renea Bromley	Constance Renea Channel	Gallatin County
Jan. 30, 1950	John Raymond Menard	John Raymond Myers	Gallatin County
May 15, 1950	Baby White	Terry Alan Transue	Gallatin County
June 2, 1950	Baby Girl Whiteside	Deborah Jayne Wheat	Gallatin County
Sept. 25, 1950	Rutledge Hargrove, Jr.	Robert Craig Wilson	Gallatin County
Aug. 15, 1950	Baby Boy McGhan	Walter Guy Carr	Gallatin County
Aug. 28, 1950	Baby Witt	Carolyn Ruth Alberda	Gallatin County
Nov. 20, 1950	Eugene Lee Frye	Eugene Lee Tinjum	Gallatin County
Dec. 4, 1950	Helen Aszklar	Helen Delene Stephens	Gallatin County
Dec. 4, 1950	Thomasine Marie Judy Ferriter	Thomasine Susan Stephens	Gallatin County
Dec. 5, 1950	Cinda Joy McHenry	Cinda Joy Klahr	Gallatin County
Aug. 29, 1950	Michael Pratt	Michael George Machler	Lewistown, Mont.
Sept. 19, 1950	Harley Allen Turner	Harley Allen Damschen	Lewistown, Mont.

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CHANGES OF NAMES DECREED IN 1949-1950

Date of Judgment	Original Name	Name Decreed	Residence
Oct. 6, 1950	Baby Girl Pejko	Barbara Ann Heller	Lewistown, Mont.
Oct. 11, 1950	Sandra Lee Hain	Sandra Lee Moody	Lewistown, Mont.
Nov. 8, 1950	Diane L. Miller	Diane L. Van der Hagen	Lewistown, Mont.
Nov. 8, 1950	Michael Joseph Miller	Michael Joseph Van der Hagen	Lewistown, Mont.
Dec. 15, 1950	Chester Henry Miesowicz	Chester Henry Miesowicz Nordstrom	Helena, Mont.
July 28, 1950	Irene D. Working	Irene A. Halterman	Missoula, Mont.
Aug. 25, 1950	Neal L. Mandelkow	Neal L. Mandelko	Missoula, Mont.

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APPENDIX

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APPENDIX

The following constitutional amendments and initiative measure adopted by the people at the general election held November 7, 1950, became effective by virtue of the governor's proclamation on December 6th, 1950:

CHAPTER 6

An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section One (1) of Article Eighteen (18) of the Constitution of the State of Montana, Relating to the Separation of the Bureau of Labor and Industry from the Bureau of Agriculture.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section One (1) of Article Eighteen (18) of the constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1950.

Section 2. That Section One (1) of Article Eighteen (18) of the constitution of the State of Montana be, and the same is hereby amended to read as follows:

"Section 1. The legislative assembly shall provide for a department of agriculture, and a separate department of labor and industry to be located at the capitol and each of said departments shall be under the control of a separate commissioner who shall be appointed by the governor, subject to the confirmation of the senate. Each commissioner shall hold office for four (4) years, and until his successor is appointed and qualified; the compensation of each commissioner shall be as provided by law. The powers and duties of each commissioner shall be prescribed by the legislature."

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot, provided by Vol. I, Chapter 67, Revised Codes of Montana, 1935, as amended by Chapters 81 and 170, Session Laws of the State of Montana, 1939, and as amended by Chapters 67 and 141, Session Laws of the State of Montana of 1947, and as provided by law, and

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there shall be printed on such ballot the title of this act and the following words:

☐ For the amendment.

☐ Against the amendment.

Each elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Section 4. The vote cast for and against the amendment above proposed shall be canvassed, determined and declared as provided by the general election laws of the State of Montana.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 3, 1949.

CHAPTER 193

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 6, Article XIII of the Constitution of the State of Montana, Relating to the Limitation of Indebtedness of Liability of School Districts, Cities, Towns, or Townships.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6, of Article XIII of the constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the state at the general election to be held in November, 1950.

Section 2. That Section 6, of Article XIII of the constitution of the State of Montana be, and the same is hereby amended to read as follows:

"Section 6. No city, town, township or school district shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding five per centum (5%) of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of

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such city, town, township or school district shall be void; provided, however, that the legislative assembly may extend the limit mentioned in this section, by authorizing municipal corporations to submit the question to a vote of the taxpayers affected thereby, when such increase is necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own and control said water supply and devote the revenues derived therefrom to the payment of the debt."

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed upon an official ballot provided for by Chapter 67, Revised Codes of Montana, 1935, as amended by Chapter 81, Session Laws of Montana, 1939, and as amended by Chapters 67 and 141, Session Laws of Montana, 1947, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

☐ For the above amendment.

☐ Against the above amendment.

Approved March 3, 1949.

PROPOSED PETITION FOR INITIATIVE NO. 54

A Bill to Enact by Initiative a Law Providing for the Payment of an Honorarium, or Adjusted Compensation, to Each Resident of Montana Who Was On Active Duty in Military Service in the Military Forces of the United States During World War II, Between December 7, 1941, and September 2, 1945, Both Dates Inclusive; Authorizing the State of Montana to Become Indebted in the Sum of Twenty-two Million Dollars ($22,000,000.00) in Excess of the Constitutional Limit Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which Said State is Now Obligated; Creating the War Veterans' Compensation Fund: Providing for the Issuance and Sale of Limited Obligation Bonds of and in the Name of the State of Montana in the Sum of Twenty-two Million Dollars ($22,000,000.00) to Acquire Funds for the Payment of Such Honorarium or Adjusted Compensation; Providing for the Form of Such Bonds; Providing That Such Bonds Shall Not Be or Become General Obligations of the State of Montana, But Shall Be Payable Only Out of the Cigarette Tax Provided for in Said Law; Providing for the Creation of a Veterans' Compensation Bond Retirement Fund to Pay the Principal and Interest of Such Bonds by Levying an Excise

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Tax Upon the Sale of Cigarettes in the State of Montana in Addition to the Cigarette Tax Imposed by Chapter 56 of Title 84 of the Montana Revised Codes of 1947, and Providing for the Collection of Such Additional Tax in the Same Manner as the Cigarette Tax Imposed by Said Chapter 56 is Collected; Amending Sections 84-5606 and 84-5621 of Said Revised Codes; Making an Appropriation of the Funds Derived from the Sale of Such Bonds; Providing the Method of Payment of Such Honorarium or Adjusted Compensation; Defining Words and Phrases; Pledging the State of Montana to Continue to Levy and Collect Such Tax and Place the Proceeds Thereof in the War Veterans' Compensation Bond Retirement Fund Until All Bonds Issued Under the Provisions of Said Law and the Interest Thereon Shall Have Been Paid; Making the Bonds Issued Under Said Law a Legal Investment for Funds of the State of Montana; Providing Penalties for Violation of Provisions of Said Law; and Making Other Provisions Germane to the Main Purpose of Said Law.

Be it enacted by the People of Montana:

Section 1. As used in this law.

(a) The words "World War II" mean the period between December 7, 1941, and September 2, 1945, both dates inclusive.

(b) The term "military forces" means the army, the navy, the marine corps, the coast guard, the construction battalions, the WAC, the WAVES, the SPARS, the WMR, the nursing service, all air forces, and all other groups and services in and forming a part of the armed services under the control and subject to the discipline of the war department of the United States, and engaged in the prosecution of World War II.

(c) The words "military service" mean service on active duty by any person in any of the military forces at some time during World War II.

(d) The word "person" includes female as well as male.

(e) The term "resident of Montana" means a person who was in military service and who at the time of his or her entry into such military service had his or her home in Montana. A person who, on December 7, 1941, was serving on active duty in any of the armed services of the United States and who at the time of his or her last entry into such service was a resident of Montana, and who was in the military service at some time in World War II, shall

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be deemed a resident of Montana within the meaning of this subdivision.

(f) The term "continental limits of the United States" means the area of the 48 states and the District of Columbia, to high water mark on its water boundaries. Persons in flying service (as distinguished from ground service in the air service) shall be deemed to be in service outside the continental limits of the United States whether based within or outside of such continental limits.

(g) The term "serviceman" means a person, male or female, who is entitled to receive payments under section 2 of this law.

Section 2. In recognition and appreciation of the valor and devotion of the men and women who, by their military service, carried out and discharged the obligation of the State of Montana to contribute of its manpower to the defense of this republic in World War II, and in partial adjustment for the economic detriment suffered by them by reason of their service, the State of Montana hereby grants, and there shall be paid to, each resident of Montana who was in military service as a member of any branch of the military forces of the United States at some time during World War II an honorarium, or adjusted compensation, of the sum of ten dollars ($10.00) for each month and major fraction of a month of such service within the continental limits of the United States, and the sum of fifteen dollars ($15.00) for each month and major fraction of a month of such service outside the continental limits of the United States, provided that there shall be paid to any resident of Montana who has received or is entitled to receive from any other state or territory of the United States a gratuity, bonus, honorarium, adjusted compensation, or similar payment for military service in the military forces, no more than the excess, if any, of the aggregate amount to which such resident would be entitled hereunder, over and above the amount so received or to which he or she may be entitled from another such state or territory; and provided further that no payment shall be made under this law to any person who was dishonorably discharged from such service and has not been by proper authority restored to an honorable status, nor to any person still in service who is in a dishonorable status.

Section 3. In case of the death, prior to payment under this law, of any such serviceman, the amount to which he or she was entitled shall be paid (1) to his or her surviving spouse, providing such surviving spouse, if a widow, has not remarried prior to making application for such payment, or (2) if there is no surviving spouse, or if a widow, she is deceased or has remarried prior to making such

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application, then to the surviving children, or (3) if there is no surviving spouse, or if there was a widow and she has remarried or is deceased, and if there are no surviving children, then such payment shall be made to the parents of the deceased serviceman or to the survivor of such parents.

Section 4. All payments provided for in sections 2 and 3 of this law shall be made upon applications made by claimants in the form prescribed by this law, to be filed with the state board of examiners. Said board shall pass upon all applications and upon the proof offered in support thereof, and upon the approval of any application by said board it shall file the same with the state auditor, who shall immediately issue to such applicant a warrant upon the war veterans' compensation fund hereinafter provided for, in the amount allowed by said board and make personal delivery of such warrant to the applicant, or mail the same to the applicant at the current address shown in such application.

Section 5. In the case of minors or incompetent persons, claims shall be filed by and payments made to his or her guardian.

Section 6. All applications for the payment of the honorarium or adjusted compensation herein provided for shall be filed with the board of examiners before the expiration of two (2) years from the first day of the January next after the effective date of this law; and the filing of an application with a county clerk and recorder of any county of this state shall be deemed, for the purposes of this section, to have been filed with said board as of the date of filing with such clerk and recorder. Upon receiving any such application such clerk and recorder shall give the applicant a receipt therefore, stating therein the exact time of such filing, and shall immediately endorse the fact and time of filing upon such application, over his signature and seal, and immediately transmit such application to the said board of examiners. Any filing with such board or with any such clerk and recorder within the time limited by this section shall be effective to preserve the rights of the applicant though such application as so filed shall be defective, provided defects therein are later corrected under reasonable rules to be adopted by said board.

Section 7. All applications by servicemen shall contain (1) the full name of the applicant, (2) the then address of the applicant, (3) the date and place of birth of the applicant, (4) the name under which the applicant served in the military forces, (5) the date of beginning and the date of ending of service within the continental limits of the United States, (6) the date of beginning and the date

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of ending service outside such continental limits, (7) the date and place where applicant was discharged from active service, or if still on active duty, the name of the organization in which he is then serving, (8) applicant's residence at the time of entry into active service in such military forces, (9) the selective service office in which applicant was registered, (10) whether applicant has received or is entitled to receive an honorarium or similar payment from any other state or territory of the United States, and if so, the amount thereof.

Applications by the heirs of a deceased serviceman shall contain all the information concerning such serviceman as required in an application by such serviceman, so far as obtainable by such applicant, and the necessary facts upon which the applicant claims the right to such payment.

The board of examiners shall cause to be printed an ample supply of application forms, and shall furnish to each clerk and recorder in Montana an adequate supply of such application forms.

Section 8. The board of examiners shall adopt all necessary rules and regulations for handling applications for the payments herein provided for, and for the adjudication of questions of fact and of law arising upon such applications, and may accept and consider any form of evidence, including affidavits and other forms of evidence tending to establish claims with reasonable certainty, although not in form admissible in a civil action, it being the intent of this law that it shall be administered liberally to the end that no person entitled to payment hereunder shall be denied, so far as reasonably possible.

Section 9. The attorney general, the state director of the veterans' welfare commission, and the employees of said commission, and all other state, and all county, officers shall render without charge all assistance possible to the board of examiners in the administration of this law, and to applicants for payment in the preparation of applications and making proof thereunder.

Section 10. The right to receive payment of the honorarium, or adjusted compensation, herein provided for, shall not be assignable, may not be pledged, mortgaged, or otherwise encumbered, and shall not be subject to attachment nor to levy under execution or other judicial process.

Section 11. The state board of examiners is hereby authorized and directed to procure such printing and office supplies and equipment, and to employ such persons, at such compensation as shall be

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fixed by said board of examiners, as may be necessary in order to properly carry out the provisions of this law, and all expenses incurred by said board in the administration of this law shall be paid by the state auditor by warrants drawn upon the war veterans' compensation fund.

Section 12. For the purpose of providing for the payment of the honorarium, or adjusted compensation, herein provided for and for paying the expenses of administration of this law, there shall be issued and sold under the direction and supervision of the board of examiners, limited obligation bonds of the State of Montana in the sum of twenty-two million dollars ($22,000,000.00), or in such sum within that amount as may be necessary for such purposes. Such bonds shall distinctly state that they are not and shall never be or become a general obligation of the State of Montana, but shall be payable only from the proceeds of a cigarette tax in the manner in this law provided; shall contain the pledge of the State of Montana to continue to levy and collect the cigarette tax in this law provided for and place the proceeds thereof in the war veterans' compensation bond retirement fund, until all bonds issued hereunder, and the interest accruing thereon, shall have been paid; shall draw interest at the rate of not more than four per cent (4%) per annum, payable semi-annually; but in all other respects the board of examiners is hereby empowered and directed to fix the terms thereof, as to dates of maturity, the time after which and the terms and conditions upon which they may be called for payment prior to maturity; whether payable to bearer or registered, whether serial bonds or otherwise, and to prescribe the general form of such bonds; and said board of examiners is hereby empowered to do whatever is lawful and necessary in the issuance and payment of such bonds and the interest thereon and the administration of this law. The attorney general shall assist the board in the preparation of the form of such bonds. Such bonds shall be signed by the members of the board of examiners and be issued under the great seal of the State of Montana, and a record of all such bonds issued and sold shall be made in the office of the state treasurer. Said bonds shall have interest coupons attached thereto, covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all the members of said board of examiners, and the signing of such coupons with such facsimile signatures shall be recognized as sufficient execution of such coupons on behalf of the State of Montana.

Section 13. The bonds provided for in this law may be disposed of by the state board of examiners from time to time in such

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amounts as it may deem necessary to make prompt payment of claims allowed hereunder, and of expenses of administration, and in such manner as in the judgment of said board shall be to the best interests of the State of Montana in carrying out the provisions of this law; provided that no bond shall be disposed of for less than its par value and accrued interest.

Section 14. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of a special fund to be known as the war veterans' compensation fund, which shall be used for the payment of the honorarium or adjusted compensation provided for in this law. For the purpose of carrying out the provisions of this law, there is hereby appropriated from the war veterans' compensation fund the sum of twenty-two million dollars ($22,000,000.00), or so much thereof as may be necessary.

Section 15. Bonds issued under the provisions of this law shall be a legal investment for any of the funds of the State of Montana, except funds which may not, by reason of any constitutional limitations, be invested in limited obligations of the state.

Section 16. For the purpose of creating the fund for the retirement of said bonds upon maturity, or when called for payment, and the payment of interest thereon as it falls due, the excise tax levied, imposed and assessed by Chapter 289 of the Session Laws of Montana of 1947, now a part of Title 84, Revised Codes of Montana of 1947, is hereby increased by the following additional amounts, to-wit:

Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when a package shall contain more than twenty (20) cigarettes, then two cents (2¢) for each twenty (20) or fraction of twenty (20) cigarettes contained in such package.

Such additional tax shall be collected at the same time and in the same manner as the tax originally levied, imposed and assessed by said chapter 289.

For the purpose of giving full legal effect to the said increase of said excise tax, Section 84-5606 of said Title 84 (being Section 6 of said Chapter 289), and Section 84-5621 of said Title 84 (being Section 21 of said Chapter 289), are hereby amended so as to read as follows:

"Section 84-5606. Subdivision—(1) From and after the effective date of this amendatory law, there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Mon-

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tana, upon cigarettes sold or possessed in this state, the following excise tax which shall be paid prior to the time of sale and delivery thereof, to-wit: Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then two cents (2¢) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package.

"Subdivision—(2) From and after the effective date of this amendatory law there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax, in addition to the excise tax on cigarettes, levied, imposed and assessed by subdivision (1) of this Section 84-5606, an additional tax which shall be paid prior to the time of sale and delivery of such cigarettes, to-wit:

"Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then two cents (2¢) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package; which additional tax shall continue in force until the payment and retirement of all bonds of the State of Montana, and the payment of interest thereon, issued for the purpose of paying an honorarium to the residents of this state who were in military service in the military forces of the United States in World War II.

"Within seventy-two (72) hours after receipt by the distributor or retailer of any such cigarettes, except as hereinafter provided, he shall cause to be securely affixed thereto, the required stamps denoting the tax thereon. Said stamps shall be properly cancelled prior to sale or removal for consumption under such regulations as the board may prescribe. Each package shall have the required stamp to affix thereto in such a manner that the stamp will be destroyed when the package is opened. Every person who shall make, alter, forge or counterfeit any license stamp or insignia provided for in this law, or who shall assist or be concerned therein, or who shall have in his possession any altered, forged, counterfeit or spurious stamp, license or insignia, with intent to defraud the state, is guilty of forgery, and shall be punished by imprisonment in the state prison for not less than one (1) year or more than fourteen (14) years."

Section 5621. Clerical and field assistants. The board is hereby authorized to employ such clerical and field assistants as may be necessary to properly administer the provisions of this law. All

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moneys collected under the provisions of subdivision (1) of Section 84-5606 of the Montana Revised Codes of 1947, less the expense of collecting all the taxes levied, imposed and assessed by said section 84-5606, shall be paid to the state treasurer and deposited in the general fund of the state. All taxes levied, imposed and assessed under the provisions of subdivision (2) of said section 84-5606 shall, when collected, be paid to the state treasurer and credited to a special fund known as the war veterans' compensation bond retirement fund, which fund shall be kept segregated from all money in the state treasury and shall, while any of the bonds hereafter issued and sold for the purpose of paying an honorarium, or adjusted compensation, to the residents of Montana who were in military service in the military forces of the United States in World War II, or any of the interest thereon, remain unpaid, be available for the payment thereof."

All moneys derived from such additional tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Section 17. The bonds issued under the provisions of this law shall not be or become a general obligation of the State of Montana, but shall be payable solely from the proceeds of the cigarette tax herein provided for; but the State of Montana undertakes to continue to levy and collect the additional tax upon cigarettes levied and imposed by this law and to place the proceeds thereof in the war veterans' compensation bond retirement fund and to make said fund available to meet payments of principal and interest upon such bonds when due until all of such bonds and the interest thereon shall have been paid.

Section 18. Any person who, with intent to defraud, subscribes to any false oath or makes any false representation, either in the application herein provided for, or in the proof offered in support thereof, for the purpose of obtaining payment hereunder when he is in fact not entitled to such payment, shall be guilty of a felony and punishable accordingly.

Section 19. The legislature of Montana may provide additional means of raising money for the payment of the interest and principal of said bonds, and this law shall not be deemed to provide an exclusive method for such payment. The power given to the legis-

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lature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the State of Montana.

Section 20. If any provision contained in this law shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this law

Section 21. This law shall be in full force and effect from and after its approval and proclamation as provided by law.

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GENERAL INDEX

NOTE:

Index of Appropriations Follows General Index

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